

Justice System Activities Report

Fiscal Year 2002-03



Maricopa County

A typical day in the Maricopa County justice system means . . .

457	total cases filed with Superior Court
1,468	total cases filed into Justice Courts
325	adults booked into jail
8,044	total adults in jail
400	juveniles in detention
24,742	meals served to juvenile and adult detainees
1,245	medical services for inmates
141	felony cases filed
49	adult drug cases filed
67	juvenile delinquency filings
403	adult inmates transported to a court appearance
1,225	adults in the community under officer supervision pending trial
1,000	hearings scheduled in Superior Court
5,212	residents appear for jury duty (to Superior, Justice, and most municipal Courts)
91	non-jury trials in Justice Courts
29,133	document pages scanned
6,118	court documents filed
17	medical examiner cases
4,495	hits on website to access court docket information
24,803	adults in the community supervised by probation officers after sentencing
3,412	community service hours completed by adults
618	community service hours completed by juveniles
64	juveniles successfully complete probation
\$269,000	spent for detaining adults
\$1.27 million	spent in the overall county criminal justice system

The behavior of 2.2% of the region's population (72,605 people) causes the entire workload for the criminal justice system.

workday average of statistics for FY03-see appdx

Cover: Superior Court picture of renovated Old Courthouse

This report is available on-line at www.maricopa.gov/justice_activities

Welcome to the 7th annual Activi-

ties Report on efforts of the justice and law enforcement agencies of Maricopa County government. This report provides readers with an understanding of Maricopa's justice system activities and helps inform decision-makers when considering public policy issues.

As with prior Activities Reports, this edition highlights work from July 2002 through June 2003 (FY03). Special sections have been added with this year's report, to provide reference information as policy and management leaders guide government resources to most responsibly address service needs. Beginning on the following page, the Table of Contents serves also as an Executive Summary of report content. Reading through the Table of Contents/Executive Summary will help determine which segment of the report may fulfill present informational needs.

Early sections of this report address national and statewide trends in justice services, in an effort to place Maricopa County's experience within a broader context. That information points to increasing demands in two of the justice environments; criminal justice, and with a grouping of what are viewed as 'family' matters. In the family arena, Arizona governments have had spirited public policy discussions, particularly regarding dependency and child protective services. Sociological factors such as changes in the traditional family structure have also created justice system needs not seen before. The report section entitled *Changes and Challenges in Family Matters* provides information on this growing and intricate segment of the justice system.

The bulk of overall justice system resources remain devoted to criminal matters and helping the region address goals for public safety. While caseloads increase and grow more complex, and there is a shortage of state prison beds, real progress is being made to stem future demand. In the *Changes and Challenges in Criminal Justice* section, readers will see information on crime prevention efforts and the cultural shift toward therapeutic jurisprudence. These proactive steps to address root causes of disharmony and crime allow government to meet the public's need for costly justice services while containing future demand. Real progress can be made, with efforts in juvenile crime prevention already demonstrating fewer court referrals in targeted areas.

Growth continues as the major driving force for the Maricopa justice system. The net population increase over the past ten years has averaged 100,000 people per year. Then, for every eight people who move here three leave, causing strains in families that often require court intervention. With revenues not increasing at the same rate as the population, particularly in years when all available funds are tapped to help reduce the State of Arizona budget deficit, county agencies are challenged to meet the service needs of a dynamic and growing population.

Taxpayer-authorized new adult and juvenile detention facilities will come on-line in the present fiscal year. Aggressive efforts to reduce demand, fully utilize technology, and continue to streamline case processing all combine to provide taxpayers with optimum value for their investment.

Maricopa County Justice System Officials

Joseph M. Arpaio, Sheriff
Colin F. Campbell, Presiding Judge Superior Court
Michael K. Jeanes, Clerk of the Superior Court
Richard M. Romley, County Attorney
Jim Haas, Public Defender
(other appointed officials - see appendix)

Maricopa County Board of Supervisors

Supervisor Fulton Brock, District 1
Supervisor Don Stapley, District 2
Supervisor Andy Kunasek, District 3
Supervisor Max Wilson, District 4
Supervisor Mary Rose Wilcox, District 5

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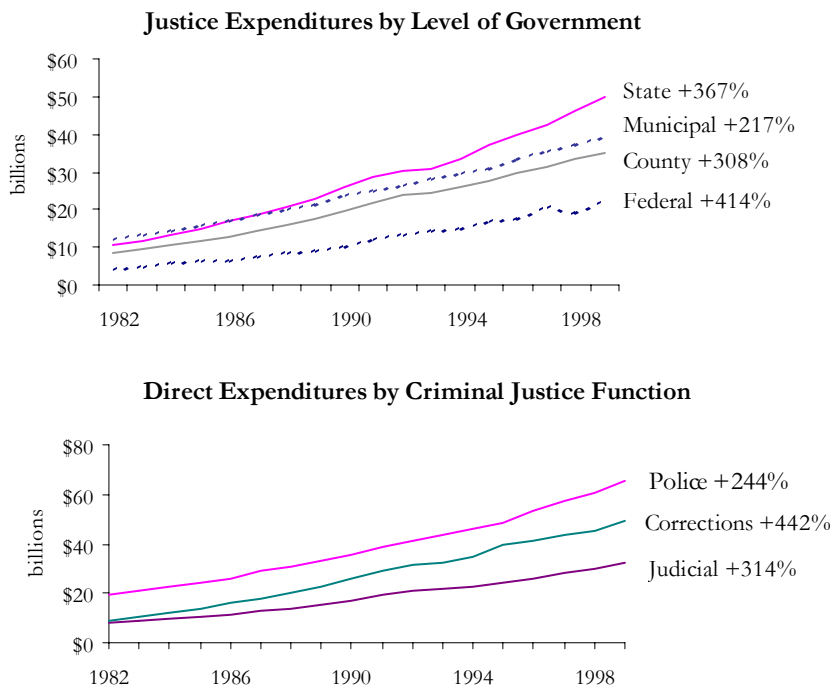
Report Information

- Please excuse minor differences in data reporting between agencies, due to the point in time when data is captured and different definitions. Also, agencies do not all deal with the same cases; Superior Court criminal cases include filings from both the County Attorney and Attorney General, and Indigent Representation and the County Attorney have cases at Justice Courts as well as the Superior Court. Federal, state, and local agencies group data for categorical analysis in slightly different manners, making direct comparisons difficult.
- Unless otherwise noted, the source of information is a Maricopa County justice agency.
- Unless otherwise noted, the percent change column (%CHG) in tables refers to the percentage increase or decrease *over the prior year*. The percent change figure noted on charts and graphs refers to change over the block of time noted in the display.
- This report was developed by County Administration on behalf of the justice and law enforcement agencies of Maricopa County government. Each of the agencies has dedicated considerable time and energy toward providing information contained in this report. Those efforts are appreciated. Special thanks is due the Superior Court and the Public Defender's Office, for devoting considerable staff resources to assist with crafting and completing this project.
- Editors wish to thank the Arizona Criminal Justice Commission for providing significant information and staff expertise. Also, the National Center for State Courts contributed to this work as their document, Examining the Work of State Courts, provided a model for the layout and methodologies utilized.
- For information regarding department reporting and data, please contact representatives listed in the Appendix.
- For questions or suggestions regarding this report, contact Trina Lambert, Justice System Coordinator, County Administration (602/506-1310).

The National Scene

Government spending for civil and criminal justice in 1999 totaled \$147 billion

The justice system is expanding. The range of justice services performed nationwide has grown at a pace that exceeds population growth. In fiscal 1999, federal, state, and local governments spent over \$147 billion for civil and criminal justice, equating to \$521 per resident. This is an increase of 8% over the prior year and 29% over 1995. Yet between 1995 and 1999, the population nationwide increased 4%.



This \$147 billion tab represents more than a 300% increase since 1982; when accounting for inflation, the constant dollar increase during the two decades is 145%. This system employs over two million workers. The majority of personnel are with local governments, and the largest component of local funds are devoted to police functions. Average annual increases are highest for corrections.

When evaluating justice expenditures at state and local government levels, these investments represent approximately eight cents of every dollar. Categories of expenses that exceed this proportion includes education (at 30%), followed by public welfare and health and hospitals.

While the data above extends only to 1999, considerable additional investments have since been made in the justice environment, mainly related to the newly established Department of Homeland Security and passage of the US Patriot Act. Estimates for the 2003 budget indicate an additional \$28.9 billion to fund various programs. The Arizona Criminal Justice Commission suggests that state and local criminal justice workloads will increase proportionately. (Crime and the Criminal Justice System in Arizona: The 2003 White Paper, Arizona Criminal Justice Commission)

Data on this page from: Justice Expenditure and Employment in the United States, 1982 – 1998, 1999, Bureau of Justice Studies; historical finances and historical population data, U.S. Census Bureau.

Since governmental agencies share funds and grants, direct expenditures are used in these graphs so there is no double counting.

Total court filings increased 5% during the 1990s, with state court filings in 2001 exceeding 93 million

State and federal courts combined convicted nearly one million adults in 2000, more than live in the state of Montana, with state courts convicting the vast majority. In federal courts, for every year since 1989, there have been more drug cases than any other case type. And the likelihood of an arrest leading to a conviction has increased over the past several years.

**State Court Caseloads
FY00 to FY01**

Overall state courts **↑ 1%**

Juvenile **↓ 1%** after steady increases from 1987 to 1998

Civil **↑ 6%**

Domestic relations **↑ 2%**

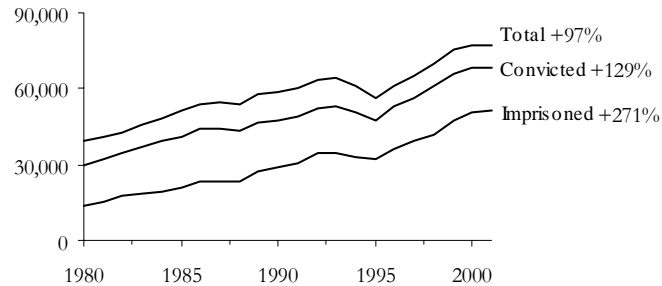
Non-traffic cases each year **↑ approx. 2%**

Felony convictions 1992 to 2000 **↑ 3%**

Criminal caseloads since 1987:

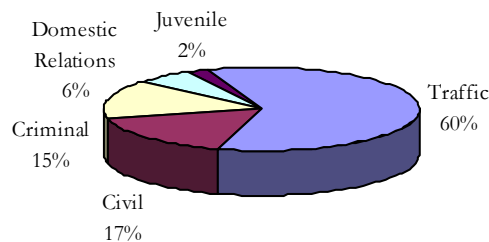
- in federal court **↑ 45%**
- in state courts **↑ 25%** with sharp increases between 1998 and 2001

Defendants in Federal Cases



In 2001, there was a slight increase in domestic and civil filings while juvenile and criminal filings declined. Civil filings in state courts were up 17% since 1987, while tort filings remained flat until 1996 when they began decreasing. Non-traffic cases, which constitute the bulk of the state court workloads, have increased an average of 2% per year.

State Trial Court Caseloads in 2001



From 1987 to 2001, domestic relations case filings increased 56%, more than any other case type

The number of cases increased each year except 1998. Socioeconomic factors have indicated a nationwide shift away from the traditional family unit. This causes unique demands upon judiciary functions. "For families with children, the 2000 census shows roughly 30% of all families are headed by a single parent; single parent families are common across many racial and ethnic groups; children in single mother families are more likely to be poor." (*Examining the Work of State Courts*, 2002, p 33)

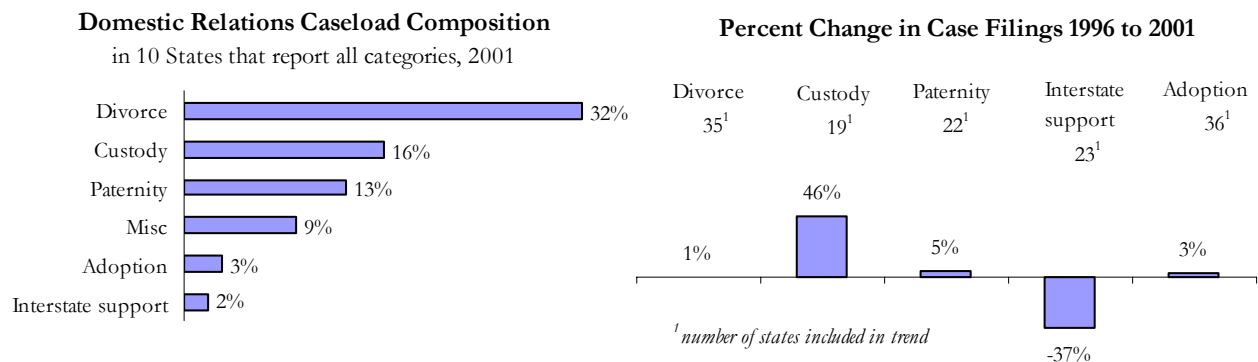
source for state court information:
Examining the Work of State Courts, 2002, National Center for State Courts; *Crime Facts at a Glance*, *Crime Data Abstracts*, Bureau of Justice Statistics

States do not report data in consistent formats. Therefore not all states' activity may be accounted for in all representations.

Since levels of government share funds and grants, direct expenditures are used in these graphs so there is no double counting.

While individual courts track significant increases in workloads, this is difficult to document on a national scale. “Differences in reporting practices impact the comparability of domestic relations data across states and over time. This lack of consistent reporting practices makes it difficult to accurately differentiate the types of domestic relations cases processed. . . . Variations in state reporting practices call for uniform data collection.” (ibid) An example is where modification hearings are required, such as related to child custody. Some jurisdictions report this as a new case while others record it as a post-decree matter on an older case. In this latter example, that post-decree matter may or may not be formally counted as part of the overall caseload of the agency. With many jurisdictions, including Maricopa County, such is not counted in the caseload.

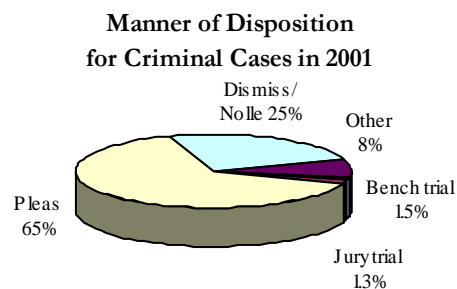
For the 10 states where data is reported for all categories, the largest caseload growth for domestic relations cases is in custody matters.



Criminal matters increased 2% a year until 1998, and have decreased steadily since then

This is likely due to crime rates declining (see next section). “The trend since 1987 is somewhat recurring, with filings increasing and then leveling every three to five years.” (*Examining the Work of State Courts 2002*, p. 33). Cases filed into limited and general jurisdiction courts (all but four states) increased most years until the peak in 1998. The case-type with the most significant change is Driving While Intoxicated, with filings decreasing most years until 1997. Factors contributing to this trend may include stricter law enforcement, media attention, and alcohol awareness programs. (ibid)

In 2001, there were 14 million criminal cases filed nationwide, representing a 28% increase since 1987. Most cases are resolved by plea agreement. Very few cases are resolved at trial, with 2001 statistics showing a trial rate of 3%. One in four criminal cases ends with the prosecutor deciding to not continue (nolle prosequi) or with the charges dropped (case dismissed). In 2001, Arizona ranked 20th in population and 29th in criminal filings.



source: *Examining the Work of State Courts 2002*, National Center for State Courts

National criminal justice organizations expect continuing challenges as recessionary budgets threaten diversion programs. This often occurs when direct mandated functions are threatened. These services involve mental health, substance abuse treatment, housing, and social services, and may be funded by the criminal justice system or community-based organizations. A reduction of funding to these programs that provide prevention or intervention services might lead to greater numbers entering the criminal justice system.

Communities are safer now than a decade ago

Trends in criminal activity nationwide declined through the 1990s, showing significant drops in serious crime and a slowing in the rate of increases in the prison population. However the economic downturn of the past few years and the increasing number of youth contributed to a modest increase in crime. Crime Index offenses increased in 2001 and 2002, the first back-to-back increases since 1991.

Rates of victimization for violent and property crimes in 2002 were the lowest since inception of the National Crime Victimization Survey in 1973

Crime offenses in the 1990s
 ↓ 20% in volume;
 ↓ 29% in rate

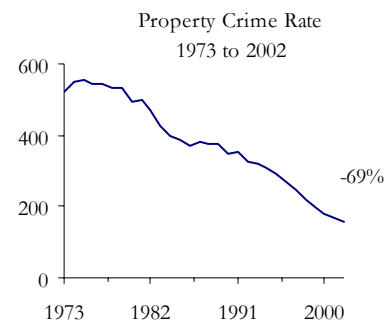
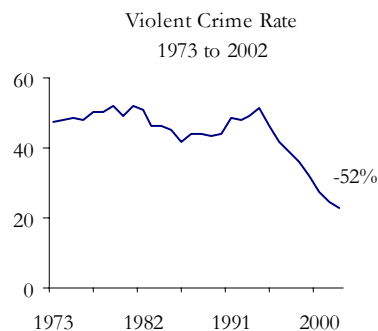
Crime offenses 1993 to 2002
 ↓ 16% in volume;
 ↓ 25% in rate

From prior year . . .

Crime in 2001 ↑ 2.1% in volume; ↑ 0.9% in rate

Crime in 2002 ↑ 1/10 of 1%

Crime in the West in 2002
 ↑ 1.6%

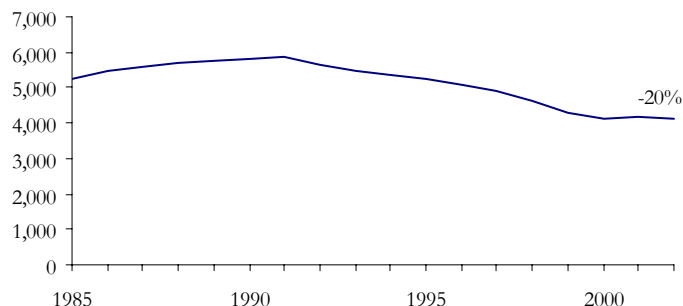


rate shows the number of victimizations per 1,000 population age 12 and over

Regardless of whether considering total victimization or reported crime, data show that fewer crimes are perpetrated now than in the past. Crime Index offenses have steadily declined since a high in 1991, from 14.8 million to 11.8 million in 2002.

National Crime Rate

reported crime index offenses per 100,000 population



Crime Index offenses include murder, forcible rape, robbery, aggravated assault, burglary, motor vehicle theft, and larceny theft.

*sources for data on pages 4 and 5:
 Crime in the United States-2002,
 Uniform Crime Reports, FBI;
 Criminal Victimization in the
 United States 2002, Bureau of Jus-
 tice Statistics*

While crime is generally down in volume and rate, there were 23 million crimes in 2002

According to results of the National Crime Victimization Survey, residents 12 years and older experienced approximately 23 million crimes, with 76% property crimes, 23% crimes of violence, and 1% personal theft. Survey results indicate that weapons were used in: 21% of the violent crimes, 46% of robberies, and 7% of rapes and sexual assaults. In 2000, 52% of the homicides were committed with handguns, which increased to 63% in 2001.

Victims perceived that alcohol and/or drugs were involved with: one million of the violent crimes – approximately one in five; and two-thirds of the instances of violence by an intimate (current or former spouse, boyfriend, girlfriend).

The 2002 Victimization Survey indicated that violent crimes occurred more during the day than at night, except for two-thirds of the rapes/sexual assaults. One-quarter of the violent crimes occurred in or near the victim's home. Additionally, the months of July and August exhibited elevated levels of criminal activity when compared to other times of the year.

Fewer than half of the victimizations noted in the Victimization Survey (12 million cases or 42% of victimizations) were reported to police, with 20% of those cleared (in essence, solved). Yet, reporting of crime to law enforcement has increased over the years. Reporting of violent crime increased from 43% in 1993 to 49% in 2002. Reporting of property crime increased from 34% to 40% over the same time period.

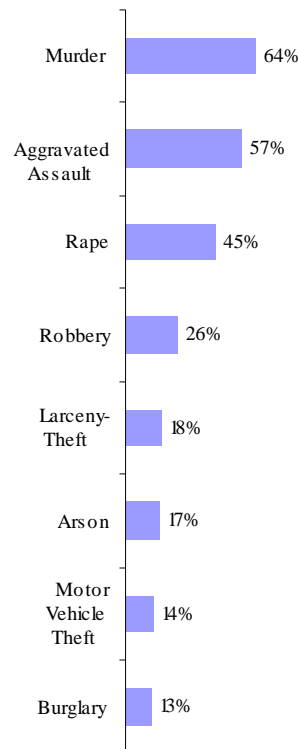
The following graphics offer statistics on reported crime reflected in the Crime Index (see sidebar for explanation).

Crime Index Offenses in 2002

Number of Crime Index Offenses	11,877,218
Crime rate per 100,000 persons	4,188
Percent cleared by arrest:	20%
for violent crime	47%
for property crime	17%
for juveniles only	12%

see sidebar

Percent of Crime Index Offenses Cleared by Arrest in 2002



Interpreting Crime Data

There are different ways to look at the prevalence of crime in this country. The U.S. Department of Justice, Bureau of Justice Statistics, gathers information annually on the crimes that occurred. The agency has conducted a **National Crime Victimization Survey** since 1973, polling households to learn whether they had been victim of any crime over the past year. Since fewer than half the total crimes are reported to police, data from this survey is useful to see overall criminal activity throughout the nation.

For crime reported to police, the U.S. Department of Justice, Federal Bureau of Investigation collects that data as part of their **Uniform Crime Reporting Program (UCR)**, which reflects the more dangerous crimes. The **Crime Index** is then composed of selected offenses (also referred to as **Part I Crimes**) used to gauge fluctuations in the volume and rate of reported crime. Crime Index offenses include certain violent crimes (murder, forcible rape, robbery, and aggravated assault) and property crimes (burglary, larceny-theft, and motor vehicle theft).

It is important to note that this results in a number of lower-level crime types, **Part II Crimes**, not reflected in this methodology. Although the UCR Crime Index does not reflect all reported crime, the UCR remains the most effective and consistently used barometer of crime across the country.

Total victimizations or reported crime are then often portrayed as a rate, typically per 100,000 persons, which adjusts for the population of an area. Using a crime rate standardizes the volume of crime by the number of residents.

At year end 2002, there were . . .

- 1.2 million in state prisons
- 143,040 in federal prisons
- 665,475 in local jails
- 3.9 million on probation
- 753,100 on parole

Jail population
since 1990 **↑ 71%**
since 2001 **↑ 5%**

Prison population (both
state and federal)
since 1990 **↑ 60%**
since 2001 **↑ 1%**

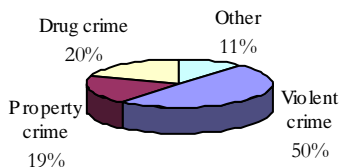
Female prisoners 2001 to
2002 **↑ 4.9%**

At these rates . . .

1 in every 15 persons

. . . will serve time in a cor-
rectional facility

Sentences for State Prisoners
in 2001

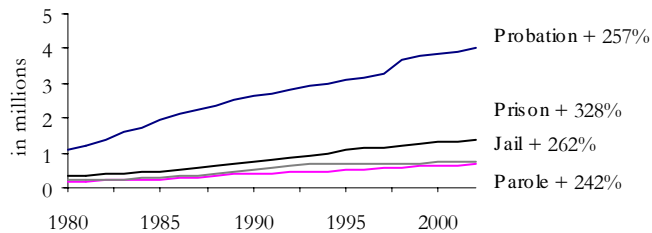


Probation population 2001
to 2002 **↑ 1.6%**

In 2002, 6.7 million people were on probation or parole, in jail or in prison

That equates to 3% of all U.S. adult residents, or 1 in every 32 adults, or more than the number of persons who live in Massachusetts.

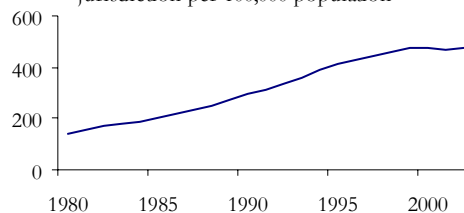
Adult Correctional Population



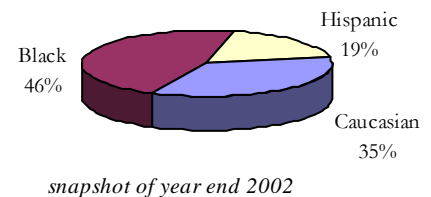
In 2001, 2.7% of all adults in the United States had served time in prison, up from 1.8% in 1991 and 1.3% in 1974. The proportion of those convicted in federal court and sentenced to prison is increasing, now at two-thirds.

Incarceration Rate

#inmates under state or federal
jurisdiction per 100,000 population



Race of State or Federal Prisoners



Between 1995 and 2001, the increasing number of violent offenders accounted for 63% of the total growth of the state prison population; 15% of the total growth was attributable to the increasing number of drug offenders.

Outcomes of Probation and Parole - Recidivism:

Of the 272,111 persons released from prisons in 15 states during 1994, who accounted for 4.9 million arrest charges over their recorded careers:

- 67.5% were rearrested within three years
- 46.9% were reconvicted
- 25.4% were resented to prison for a new crime.

In 2002, 45% of state parole discharges successfully completed the terms of their supervision, a rate which has held fairly constant since 1995. Forty-one percent of those discharged went back to jail or prison and 9% absconded.

sources: *Prisoners in 2002, Cor-
rectional Populations in the
United States 1997*, data on their
website www.ojp.usdoj.gov/bjs,
Bureau of Justice Statistics

Rates of juvenile crime have declined in recent years, after a high in 1998

Juvenile filings nationally increased since 1987 to a high of 2.1 million in 1998. Since that time the rate has declined 5% (to 2001). The National Center for State Courts attributes the decrease in part to declining juvenile arrest rates and the continued narrowing of the jurisdictional authority of juvenile courts.

The majority of juvenile cases in 2001 were for a delinquent act (61%), something which would be a crime if committed by an adult. Cases where the child is a victim constituted 20% of the caseload, with the remaining 16% for status offenses, only a legal issue because the person is under-age (such as truancy, running away).

While the following information is somewhat dated, it shows a shift in juvenile delinquency away from property offenses.

Juvenile Referral Offenses

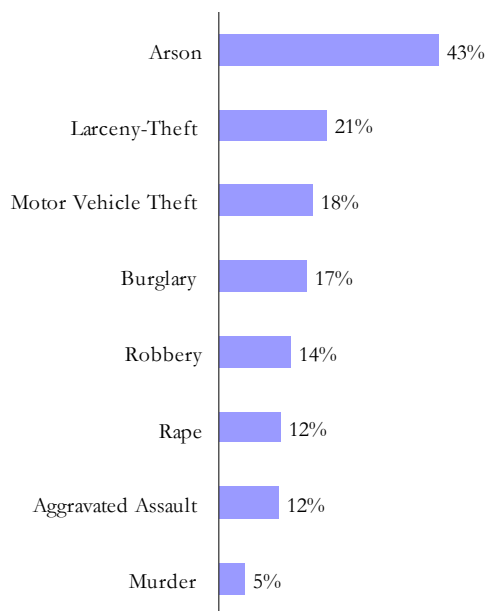
	1991	1999
Person	19%	23%
Property	59%	42%
Drugs	5%	11%
Public Order	17%	23%

For juvenile offense activity, only a portion of the referrals (citations) will result in a petition (case) being filed. See sidebar on page 14.

For 2002, the proportion of Crime Index offense cases cleared with only juvenile offenders was 18%. Yet these proportions will always somewhat underrepresent juvenile delinquency. The FBI states that cases cleared by arrest of both adults and juvenile offenders are categorized as 'adult.' "Because the juvenile clearance percentages . . . include only the offenses in which there were no adults involved, these figures underestimate juvenile involvement in crime." (*Crime in the United States 2002*, p 222)

As in prior years, the offense with the largest percentage of clearances involving juveniles was arson, followed by larceny-theft.

Percent of Crime Index Offenses Cleared with Juvenile Arrests in 2002



Crime Index offenses include murder, forcible rape, robbery, aggravated assault, burglary, motor vehicle theft, and larceny-theft.

sources: Crime in the United States-2002, Uniform Crime Reports, FBI; Easy Access to Juvenile Court Statistics, 1990-1999, National Center for Juvenile Justice

The Regional Scene

Arizona is an anomaly among states due to substantial growth rates

“High in– and out– migration patterns can result in a low civic engagement. If we are not surrounded by family and ‘rooted’ to the community, we feel a lack of commitment to the region. We don’t know our neighbors. This lack of social cohesion makes attempts at rallying residents, such as around crime prevention efforts, difficult.”

- David Smith, County Administrative Officer

The population in Arizona has risen dramatically over the past several decades, with percent growth during the 1990s second only to Nevada. While growth throughout the state has been considerable, the majority of growth has occurred in the Phoenix metropolitan area, the vast majority of which is within Maricopa County. Since 1970, non-Maricopa portions of the state have grown by 100% while this region grew by 216%. Maricopa also constitutes a growing proportion of the total Arizona population, increasing from 55% of the population in 1970 to 61% today.

The following table shows that the Arizona population has grown at rates nearly triple the national norm, while growth in Maricopa County is quadruple those figures.

Changes in Population

	U.S.	Arizona	Maricopa
The past 10 years	12%	41%	43%
The past 20 years	23%	89%	103%

By all accounts, these heady rates of growth challenge governments in Arizona to not only continually improve the quality of infrastructure and services, but to also expand related capacity to meet the increased demand. Please see page 17 for a fuller discussion of growth in the Maricopa County region.

There were 2.4 million cases filed in Arizona Courts in FY02

This equates to one case filed per 2.2 people at a per case cost in 2002 estimated at \$125.87. The majority of cases statewide are managed in municipal courts, with 56% of the total number of filings. For this report, the focus will be primarily on the Superior Court and moderately on Justice Courts, with those the main judicial responsibility of county government.

Arizona Superior Courts

From FY95 to FY02:

- total cases **↑ 18%**
- domestic relations cases **↓ 6%** (does not count post-decree matters)
- criminal cases **↑ 47%**

All Superior Courts cases

FY00 to 03 **↑ 8%**

FY02 to 03 **↑ 6%**

Maricopa Superior Court

FY00 to 03 **↑ 11%**

FY02 to 03 **↑ 6%**

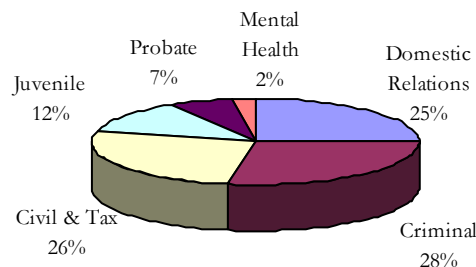
Arizona Justice of the Peace Courts

Cases filed	FY02
Civil Traffic	449,985
Civil	163,722
Misd. Criminal	121,428
Criminal Traffic	98,607
Felony	39,112
Local Non-Criminal Ord.	4,086
	876,940

Other Justice Court Proceedings

Initial Appearances	56,278
Domestic Violence Orders	9,638
Harassment Orders	9,034
Felony Preliminary Hearings	2,880

Arizona Superior Courts Case Activity FY03



sources: Administrative Office of the Courts, Arizona Supreme Court; Crime and the Criminal Justice System: The White Paper October 2003, Arizona Criminal Justice Commission; U.S. Bureau of the Census

Superior Court case activity in Maricopa County shows little difference from the proportion of case-types seen statewide. There are slightly fewer probate matters and domestic relations cases (although that does not address the substantial number of post-decree matters – see page 51). The proportion of criminal matters is the same. These Maricopa figures reflect the first full year when all felonies were filed within Maricopa Superior Courts rather than initially in Justice Courts; see page 29 for the discussion on direct filing. There is a slightly higher proportion of civil and juvenile cases in Maricopa than seen statewide.

Domestic relations and criminal matters constitute 53% of the statewide Superior Courts caseload, with that figure at 51% for Maricopa County. These cases require the most resources and will be the segments more fully reviewed in this report.

Domestic violence cases increased considerably in FY03, up 24.5% in Superior, 13% in Justice, 16% in Municipal Courts.

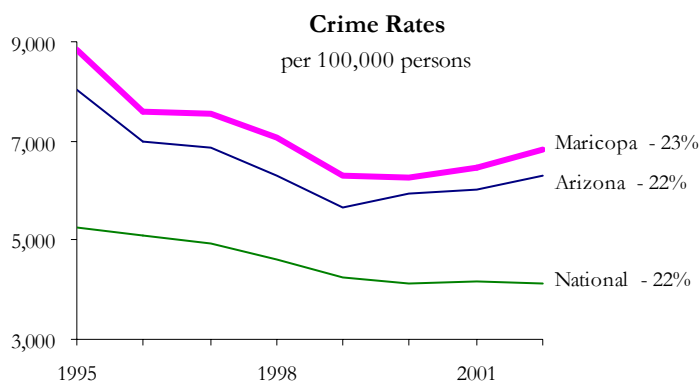
For criminal cases, the proportion of statewide caseloads originating in Maricopa County is declining. These cases were 70% of the state total in 1991, but in FY03 represent 65%.

Arizona has the highest crime rate of any state, largely a result of property crimes . . .

. . . and has held this ranking for two years. Arizona has had the highest incidence of crime per 100,000 population. Hawaii is catching up. From 2001 to 2002, there was an 8% increase in the number of Arizona Crime Index offenses and a 5% increase in the rate. Arizona places in the top 10 states for murder (7), robbery (10), burglary (7), larceny-theft (3), and motor vehicle theft (1).

Yet this does not necessarily mean Arizona has the most crime of any state, or even that the rate of crime is increasing. Rather than per 100,000 persons, the total number of Crime Index offenses reported is greater than for any other state. It is important to note that other than negligible increases in 2002, there is still, overall, considerably less crime than in past years.

Crime rates are going down throughout the country, including in Arizona. But the Arizona rates are declining at a slower pace than elsewhere. A challenge in this state is the population growth. With the population up 27% since 1995, there was actually a 22% *decrease* in Arizona crime rates during that time.



as per FBI reporting practices, includes only Part I offenses (see page 4)

source: Arizona Crime Trends 2003, 2002, Crime and the Criminal Justice System: The White Paper October 2003, Arizona Criminal Justice Commission; Crime in Arizona (various years), Arizona Department of Public Safety

Arizona population since 1995 **↑ 27%**

Arizona crime rate since 1995 **↓ 22%** (with only 1% increase in overall volume)

Adult arrests since 1995:
Part I crimes **↓ 14%**
Part II drug offenses **↑ 14%**

Crime Index offenses as a group are weighted heavily toward property crime. Since property crime constitutes 88% of the national and 90% of the Arizona total crime rate, this explains Arizona's #1 crime ranking.

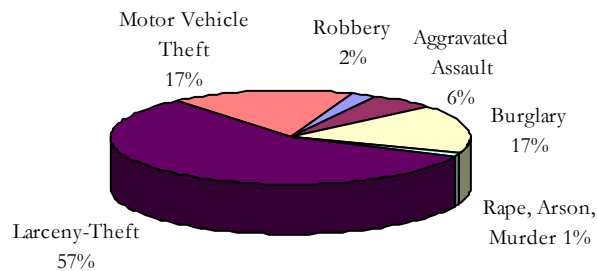
Arizona Crime Rates

Offense Type	1991		2001		2002
	Rate	Rank	Rate	Rank	Rate
Crime Rate	7,405.6	3	6,077.0	1	6,307.8
Violent Crime	670.7	18	540.3	15	546.2
Murder	7.8	20	7.5	7	7.0
Rape	42.4	20	28.6	31	29.1
Robbery	165.7	21	167.1	10	145.2
Aggravated Assault	454.8	15	337.1	16	364.9
Property Crime	6,734.9	3	5,537.0	1	5,676.2
Burglary	1,607.5	5	1,033.0	7	1,062.7
Larceny-Theft	4,266.3	2	3,521.0	3	3,629.6
Motor Vehicle Theft	861.1	6	983.6	1	1,042.6

rate per 100,000 persons; rank among states

The proportion of Crime Index offenses in Arizona mirrors national rates in most categories. Larceny-theft is the largest category of offenses nationally and statewide, followed by burglary and motor vehicle theft. Murder rates are the same. In fact, Arizona is slightly below the national rate for violent crimes.

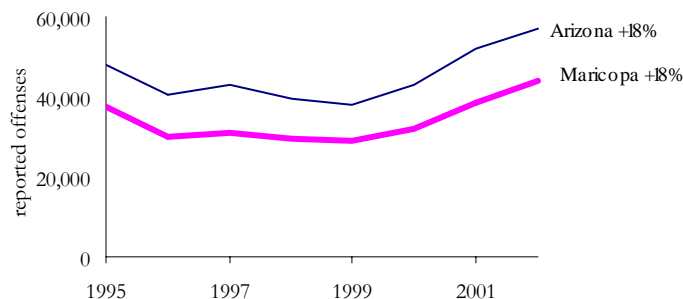
Arizona Crime Index Offenses 2002



Where Arizona differs with the nation: Arizona violent crime rates are slightly lower than national rates, with rape the single Part I crime where Arizona rates are lower than seen nationally. However, for the second year in a row, Arizona has the highest property crime rate in the country. This is largely due to larceny-theft and motor vehicle theft offenses.

Motor vehicle theft constitutes 16.2% of Arizona Crime Index offenses, versus 10.4% nationally, and has increased in Arizona more than 44% over the past 10 years. From 2000 to 2001, motor theft rates nationally *decreased* 4.5% while they *increased* in Arizona by nearly 17%. And arrest data show that perpetrators of motor vehicle theft are getting older. Between 1991 and 2001, arrests of juveniles decreased by 44% while arrests for adults increased 119%, the most dramatic difference between adult and juvenile arrest rates.

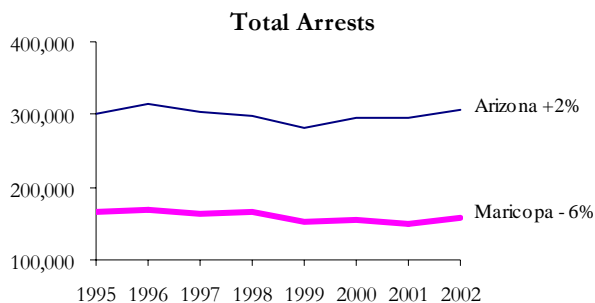
Motor Vehicle Theft



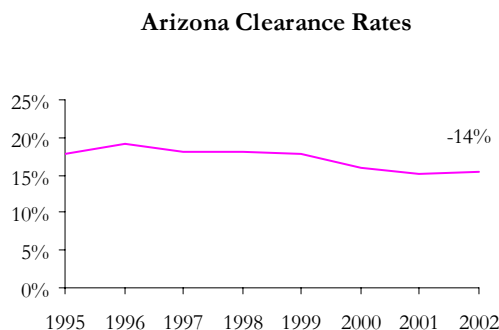
sources: *Arizona Crime Trends 2003*, *Crime and the Criminal Justice System: The White Paper* October 2003, *Arizona Criminal Justice Commission*; *Crime in Arizona* (various years), *Arizona Department of Public Safety*

For the 344,181 offenses reported in Arizona in 2002, agencies indicate that offenders are being held more accountable

Even while crime and arrest rates are down, workloads throughout the criminal justice system are increasing. “[. . .] the workloads for each of the key criminal justice stakeholders are up. This suggests individuals are being held more accountable for their crimes. Legislation initiated such as Truth-in-Sentencing and mandatory sentencing may be contributing factors. Other contributing factors include increasing penalties for driving under the influence and harsher penalties for drug offenses.” (*Arizona Crime Trends: A System Review 2003*, page 8, 9)



For the 344,181 offenses, law enforcement cleared (solved) 15.4% of those cases. This is lower than the national clearance rate average of 20%.



While the Crime Index data exclusively reports Part I crimes, it is with Part II crimes that more arrests occur

Much of the law enforcement resources in the state are devoted to these crimes, which include simple assault, vandalism, drug abuse, and driving under the influence, among others (see sidebar on page 4). In 2002, Part I (the more serious) crimes constituted 15% of the arrests statewide and 18% within Maricopa County. The single largest offense category of arrests is a Part II crime, driving under the influence. This is one area where rates of juvenile involvement have not improved as experienced in other categories.

Driving Under the Influence

Change in Arrest Rates

	drivers under 18	drivers 18 and over
the past year	-4.2%	-4.6%
the past 10 years	35.1%	-18.3%

U.S. Crime Cycle

Every 24 hours, Americans endure . . .

- 44 murders
- 261 rapes
- 1,152 robberies
- 2,450 aggravated assaults
- 5,896 burglaries
- 19,323 larceny-thefts
- 3,414 motor vehicle thefts

Arizona Crime Cycle

Every 24 hours, Arizonans endure . . .

- 1 murder
- 4 rapes
- 22 robberies
- 54 aggravated assaults
- 159 burglaries
- 542 larceny-thefts
- 156 motor vehicle thefts
- 5 arsons

these portray the relative frequency of occurrence of the offense and does not imply regularity in the offenses

sources: Arizona Crime Trends 2003 by ACJC; Crime in Arizona 2002 by Arizona Department of Public Safety

See discussion of Crime Index offenses on page 4.

Public Policy Debates

The state prison system in Arizona is the subject of much public policy debate, due to substantial overcrowding. A Second Special Legislative Session concluded in December 2003, and included statutory changes to help address the situation.

A new assessment on DUI convictions will help fund prison construction and operations. The Department of Corrections may also expand contracting with private prison facilities, contract for available county jail beds, and is authorized to construct 1,000 additional beds. Funds were also allocated to help with retention and recruitment of corrections personnel. Yet the problems are not fully solved. Public policy discussions on this topic were initiated in the prior regular legislative session and will likely continue into the next.

Arizona Prison Population

Population summary for June 30, 2003:

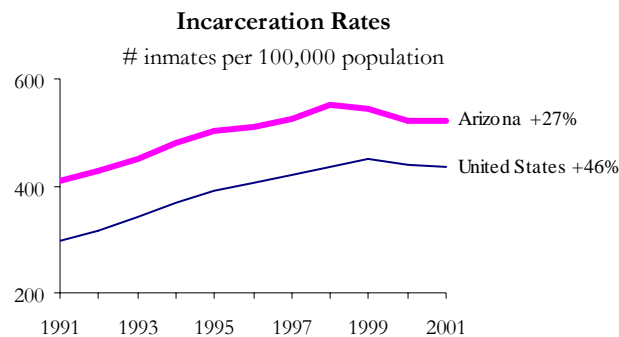
- 41% in for crimes against persons
- 26% for property crimes
- 33% for morals/decency (including public order) crimes.

sources: Arizona Crime Trends: A System Review 2003, Arizona Criminal Justice Commission; Annual Reports, Trend Reports, "Who is in Prison?" reports, Arizona Department of Corrections

The Arizona prison population has reached crisis proportions, increasing more than 81% over the past 10 years

The Arizona Criminal Justice Commission attributes these increases to the overall population growth, mandatory sentencing, increased methamphetamine drug use, increased drug enforcement activity, increased street gang activity, stiffer DUI penalties, and harsher penalties for dangerous and repetitive offenders under the Truth-in-Sentencing law passed in 1994.

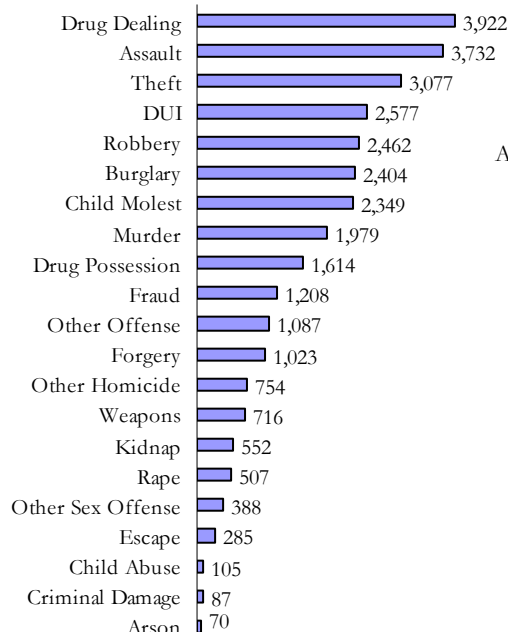
The rate of incarceration per 100,000 population has been consistently higher for Arizona than the national average.



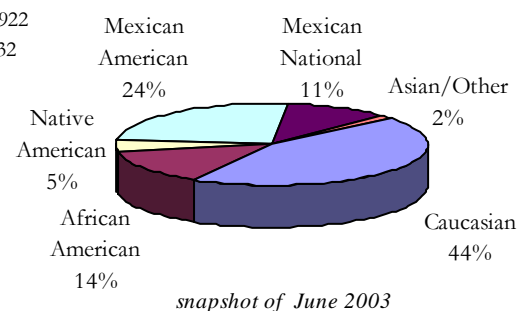
In June 2003, there were 30,898 adults committed to the Arizona Department of Corrections. The current rate of growth is an average of 109 prisoners over the prior 12 months. Actually, this is the lowest 12 month average since November of 2001, due in part to the current crisis related to prison crowding (see sidebar). Sixty-five percent of commitments originate from Maricopa County.

The average amount of time served in prison has steadily increased over the past decade, from 24 months to 34 months. The prison population is aging, with the greatest increases in minority populations. And these incarceration rates are increasing while crime rates are going down.

Commitment Offenses in Arizona Prisons



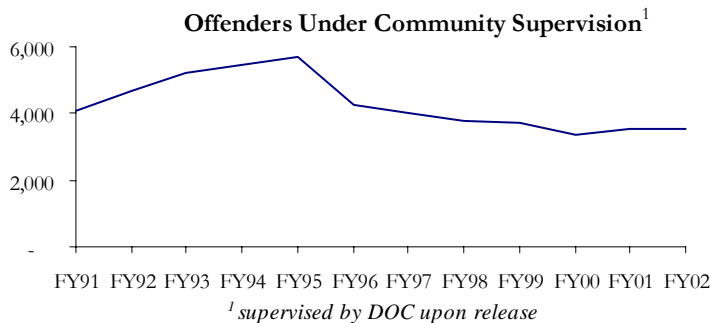
Ethnicity of Arizona Prisoners



Community supervision continues to provide meaningful alternatives to incarceration while addressing concerns for public safety

The Arizona Department of Corrections supervises certain offenders in the community following release from prison. These caseloads have declined since 1995. This is primarily due to shorter lengths of supervision mandated under Truth-In-Sentencing (passed in 1994).

The agency also compiles data on released offenders, tracking their arrests for new crimes or for technical violations. "Public safety is positively impacted when offenders comply with their conditions of supervision, which indicates successful transition and lower recidivism." (Arizona Department of Corrections, Monthly Performance Measurement Report, September 2003, p 9). Recidivism will be a topic of further discussion in a future Annual Activities Report.



The Arizona Administrative Office of the Courts oversees Adult Probation Services statewide and provides funding to Maricopa County Adult Probation for treatment and education, interstate compact, and supervision of transferred youth.

Probation services are in place to protect the community through offender accountability and rehabilitation. Probation officers ensure that probationers comply with court orders and receive services appropriate to their risk to the community and their risk to re-offend. Supervision levels range from general to intensive, based upon the assessed risk and need for rehabilitative services, which may include counseling, education, or referrals to other services in the community. At the end of FY03, there were 46,780 adults supervised by probation departments statewide, with 24,803 within Maricopa County.

Community supervision by Department of Corrections

Post-prison rates (per 100,000 population)
4,098 in 1991
3,536 in 2001

From FY96 to FY03:

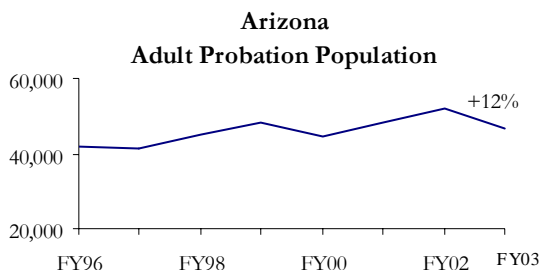
Standard probationers
↑ 49%

Intensive probationers
↑ 66%

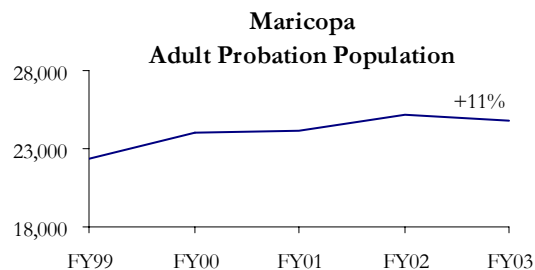
Community service hours
↑ 42%

Probationers revoked to prison:
FY96 8.2%
FY03 12.7%

note: state and local agencies retrieve data for categorical analysis with slightly different components, making direct comparisons difficult



source: Administrative Office of the Courts, Arizona Supreme Court



source: Maricopa County Adult Probation Department

Probation agencies suffered considerable funding cuts over the past two years, even while caseloads continued to grow. The cuts came as a result of the State of Arizona budget shortfall, with much of the statewide probation services funded through the state budget. This resulted in a loss of probation officer positions thereby reducing supervised probation as a sentencing option, which the Department of Corrections cites as cause for part of the surge in the prison population. When reviewing data related to probation caseloads for FY02 and FY03, readers will want to keep in mind that the workload figures were limited due to the above-mentioned budget cuts. The dramatic impact on Maricopa County and resulting actions is discussed further on page 33.

sources: Crime and the Criminal Justice System in Arizona: The 2003 White Paper, Arizona Crime Trends: A System Review 2003, Arizona Criminal Justice Commission; Administrative Office of the Courts, Arizona Supreme Court; Arizona Department of Corrections.

Arizona Juvenile Data

The total juvenile population in Arizona since 1996

↑ 19%

Arrests since 1996 ↓ 24%

Referrals since 1996 ↓ 11%

Petitions filed since FY96 ↑ 16%
since FY00 ↓ 11%

Corrections since FY00 ↓ 16%

Parole since FY00 ↓ 15%

compare with Maricopa data on page 38

There are two ways to review Arizona juvenile offense activity. One is by the number of referrals, which are citations issued by a police agency or the youth is physically brought to detention. The other is the number of petitions. These are filed by the County Attorney and seek to have the juvenile adjudicated as a delinquent or incorrigible youth. Only a portion of the referrals (averaging 37% over the past seven years) will result in a petition filed. Both of these activities may be recorded as a per-child count or a total count.

sources for pages 14 and 15: *Arizona Crime Trends 2002*, Arizona Criminal Justice Commission; *Crime in Arizona* annual reports, Arizona Department of Public Safety; *New Commitment Profiles*, Arizona Department of Juvenile Corrections; Administrative Office of the Courts, Juvenile Services

Even though the number of youth increased 19% between 1996 and 2002, the total number of juvenile referrals decreased 11% over that time

Since 1996, juvenile arrests in Arizona have declined every year (except for a 0.2% increase in 2000). During this time the population of juveniles in Arizona *increased* by 19%, yet the number of arrests *decreased* by 24%. This is a 43% change in activity, to the good.

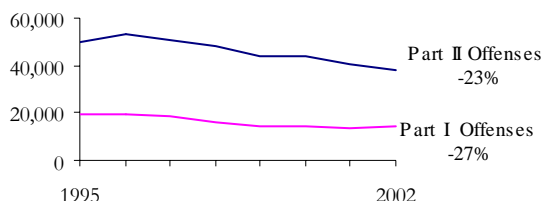
National caseloads on juvenile delinquency dipped 1% last year, but most years Arizona and Maricopa are significantly ahead of the nation on this score. The Arizona juvenile justice system closed the 2003 fiscal year with a *reduction* in the number of juveniles arrested, on probation, in detention, with court petitions filed, as well as the Maricopa County proportion of the total juvenile cases in Arizona. Much of this is due to crime prevention efforts, which are realizing measurable success. This will be discussed in greater detail (see page 40).

The juvenile justice environment is vastly different from the adult system. The type of case processing and management of offenders is unique, where agencies attempt to improve the conduct of some of the most difficult teenagers in the country.

Increases in juvenile delinquency have occurred largely with drug use and possession offenses, which are not reflected in the Crime Index since they are Part II crimes

The greatest increase in juvenile activity since the mid-1990s is in public peace crimes (aggravated DUI, alcohol, disorderly conduct, weapons, traffic offenses), increasing 87% from 6,919 in FY96 to 12,960 in FY01. Obstruction of justice (probation violations) was the only other category where Arizona saw an increase, while all other categories showed improvement. There is no Part I crime where the rate of juvenile offenses increased during the 1990s. But during that time there were substantial increases in drug use and possession offenses. (which are Part II crimes so are not reflected in the Crime Index).

Juvenile Arrests in Arizona



Of juveniles referred to an Arizona court, the number with a court petition filed has increased. In FY02, there were 50,399 juveniles referred to the court. Of those, 44% had petitions filed against them while an equal percentage were diverted from formal court processing.

Juveniles Petitioned in Arizona

	FY 1995-96	FY 2002-03	% change
Felony Against Person	2,248	1,306	-42%
Felony Against Property	5,103	3,443	-33%
Obstruction of Justice	3,170	4,422	39%
Misdemeanor Against Person	1,171	1,837	57%
Drugs	1,494	2,048	37%
Public Peace	1,446	2,704	87%
Misdemeanor Against Property	1,252	1,317	5%
Status Offenses	488	786	61%
Citations/Administrative	5	40	700%
	16,377	17,903	9%

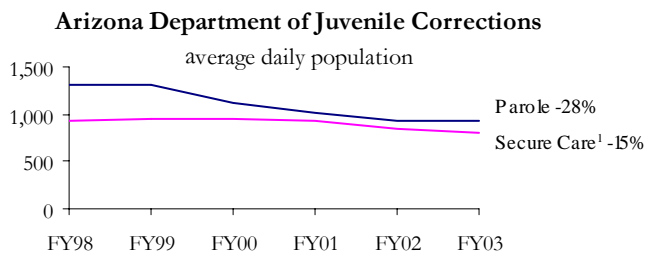
these are counts of juveniles, so each may involve multiple cases

Proposition 102 changed how juveniles held on certain violent offenses would be managed, transferring filing of those charges and management of the youth to adult court and detention. However, these cases are still filed in Juvenile Court initially and then transferred; therefore juvenile petition and disposition numbers include these cases.

Juveniles Dispositioned in Arizona (case outcomes)

	FY97	FY98	FY99	FY00	FY01	FY02	FY03
Standard							
Probation	8,989	9,436	9,199	10,830	11,039	10,870	10,244
Intensive							
Probation	2,408	2,718	2,572	2,552	2,549	2,512	2,432
AZ Dept of Juvenile							
Corrections	1,419	1,670	1,345	1,290	1,081	1,018	926
Adult Court	711	1,117	918	811	671	575	567
	13,527	14,941	14,034	15,483	15,340	14,975	14,169

Like in the adult system, the average length of stay in juvenile corrections has increased. The number of juveniles committed to the Arizona Department of Juvenile Corrections increased slightly in 1997 through 1999, but has decreased each year since then.

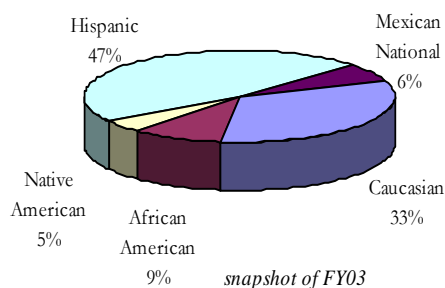


¹ Secure care includes new commitments, re-commitments, parole revoked, pending revocation, and juveniles on parole reinforcement status

Juvenile Commitment Offense Categories for FY03

Property offenses	316
Crimes against persons	154
Drug offenses	129
Public order offenses	81
Weapons offenses	30
Other offenses	42

Ethnicity of Commitments to Arizona Juvenile Corrections



Hispanic juveniles are increasing in proportion of the ADJC population (from 44% in FY00 to 47% in FY03). The proportion of Mexican Nationals has grown as well, while the proportion of Native Americans and Caucasians has decreased. Juvenile offenders are growing older, with 67% of the commitments in FY03 at 16 or 17 years.

Maricopa Juvenile Data

The total juvenile population in Maricopa County since 1996 **↑ 24%**

Petitions filed since FY96 **↑ 18%**
since FY00 **↓ 16%**

Detention since FY00 **even**

Probation since FY00 **↓ 4%**

see page 37 for additional information

The Arizona Department of Juvenile Corrections developed the following illustration of a typical new commitment:

“He was a 17 year-old Hispanic male from Maricopa County. His most serious commitment offense was a class 6 felony, and it was most likely a theft. He was committed to ADJC with a court-ordered length of stay of 7.6 months and he was determined to be a moderate risk. His placement according to both ADJC matrix and court-ordered minimum was in a secure ADJC facility rather than a community based placement.”

-New Commitment Profile Fiscal Year 2003

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Changes and Challenges in Maricopa County

THE PROBLEM: CONDITIONS UNDER WHICH WE OPERATE

The population growth in Maricopa County provides constant pressure for government to get bigger

Activity in Maricopa County differs from experiences nationwide on many fronts, due to the considerable increases in population. Most regions have a relatively stable population base, which is more conducive to effective planning of governmental services. But over the past 20 years, the population of Maricopa County has doubled while the national population grew by 23%. The net growth over the past decade was 43% versus 12% nationally. The current population of 3.3 million residents is just shy of the entire state of Connecticut and is more than reside in 20 other states. Projections show growth in the region continuing at rates at least double the national experience.

Maricopa County's volume and dispersion of growth cause continual shifts in the need for governmental services

The population increase of nearly 100,000 persons per year requires increases in the full array of governmental services. But additional factors complicate this already heady growth rate. Persons do not just move here and settle down; a high proportion then turn around and leave. For the 10 years up to 2001, the average number of persons migrating into Maricopa County was 173,000, while the average number who moved out was 102,000. The net natural increase (births less deaths) completes the annual population change formula. What this means is that governmental entities provide services for a population that changes more than it remains constant, compounding the unique service needs in this region.

Service delivery is challenged not only due to the ebb and flow of population, but also due to the considerable geographic distance to be covered. Maricopa encompasses a land area of 9,226 square miles (84% unincorporated), is the 14th largest county in landmass, and exceeds the area of seven states. An ongoing public policy question is whether to bring services to residents or centralize those functions. De-centralizing services throughout the County improves convenience for litigants and other taxpayers, yet strains resource allocations. Centralizing services allows economies of scale and cuts duplication of effort.

The Maricopa justice system presently has courthouses in downtown Phoenix, in the southeast and northwest regions, with plans to build facilities in the northeast and west portions of the region. Criminal felony matters which had traditionally been heard first in the local justice courts are now centralized to the three main court campuses (downtown, Northwest, Southeast). Decision-makers continue to seek a balance between what may be best for the 'customer' and what may be more cost-effective for the service provider.

This changes the type of justice-related services needed

Highly mobile environments typically see complicating factors. Families face relocation stresses which may result in mental health issues and economic strains. When this happens, there are more marriage dissolutions. A family in crisis can require a range of justice services. The family unit is also changing nationwide, which is more pronounced in a high-growth region (see *Changes and Challenges in Family Matters*). These changes are apparent in the types of cases and litigant needs that present themselves to the court. The court then must struggle to react to these societal changes in order to meet the need.

The justice components exhibiting the highest growth in the Maricopa system are family-related matters and criminal cases, which combined account for 50% of total new filings.

Maricopa Population

		% chg
1970	971,228	
1980	1,509,175	55%
1990	2,122,101	41%
2000	3,072,149	45%

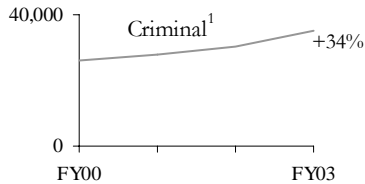
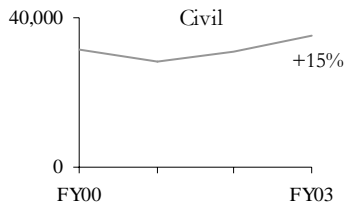
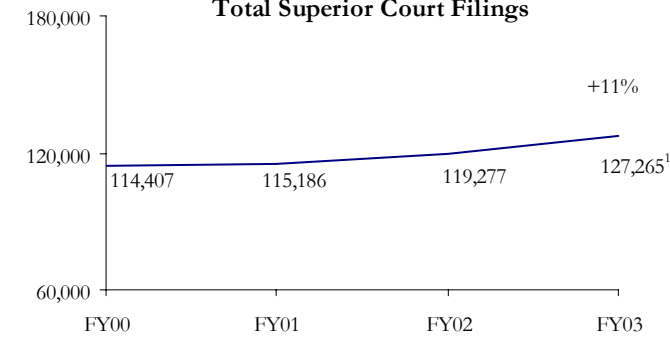
2003 3,328,600 8%

source: US Bureau of the Census

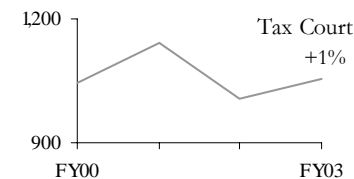
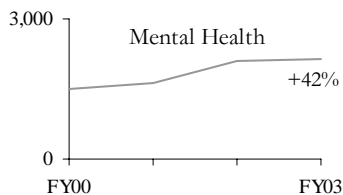
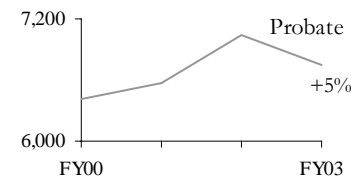
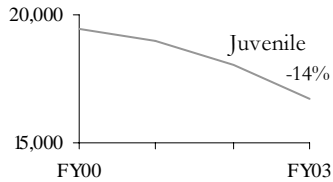
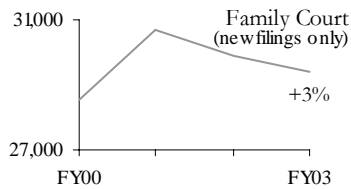
"The single biggest issue facing Maricopa County justice services is the region's phenomenal growth. This leads to unrelenting pressure for essential government services to expand to meet the needs of urbanization."

—David Smith, County
Administrative Officer

Total Superior Court Filings

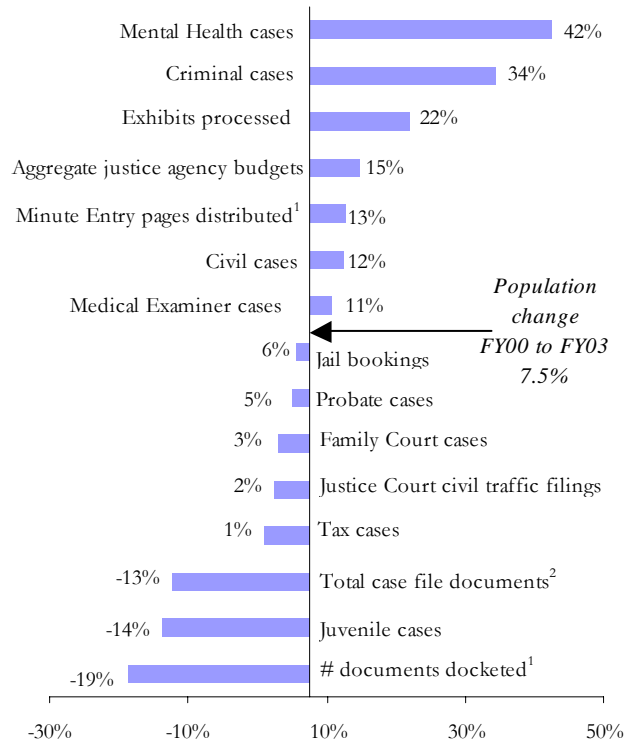


¹a portion of the increase in Superior Court FY03 criminal filings is due to the organization shift to direct filing



What is Outpacing Growth?

Change in Justice System Factors FY00 to FY03
while the Maricopa County population grew 7.5%



¹reflects shift in business processing from paper and microfilm to electronic documents and scanning

²certain FY02 figures appear artificially decreased due to implementation of a new court case management system and electronic imaging

The criminal arena demands the broadest investment in resources, since this case type causes work for not only the courts and Clerk of the Court, but also prosecution, indigent defense, pretrial and probationary supervised release, and costly detention operations. However, the family matters are where most individuals interact with the justice system. This includes divorce, child custody issues, alimony, and other private matters for which cases are rarely 'closed,' but often require repeated court intervention post-decree.

The economic downturn and state cost shifts dramatically undercut Maricopa's fiscal soundness, regardless of years of planning infrastructure, conservative budget policies, and securing new revenues to support costly detention needs

Without charter government status, Maricopa County functions as an arm of state government. This creates reliance upon the state for legislative authority, statutory revisions, and much of the revenue base. The majority of funds collected by Maricopa County derive from state-shared sources. Meanwhile, state government in Arizona faces its largest fiscal crisis in state history. The government has accordingly turned to counties to help resolve the burgeoning budget deficit. The state has reduced state-aid and grants, and passed on to counties responsibilities previously paid for by the state. This results in the FY04 budget allowing increases related only to the detention facilities and employee benefits costs.

THE COUNTY RESPONSE: WHAT IS BEING DONE TO MEET THE DEMAND?

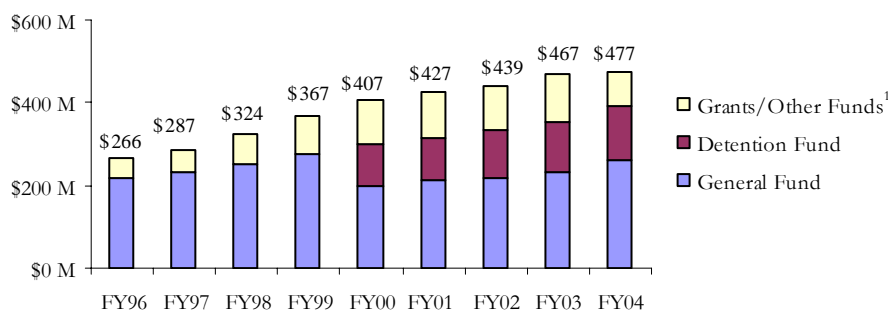
Voters approved additional funding for detention facilities and staffing

Passage of Propositions 400 and 411 was critical to the stability of Maricopa County government. Additional detention capacity was mandated by growth in the region and court-ordered commitments. Yet these revenues support specified segments of the justice system while demands have increased across all agencies. Therefore, agencies must continue streamlining work and doing more with less, in an ongoing effort to have a solvent government (see next page).

The aggregate of justice agency budgets for Maricopa County is \$477 million

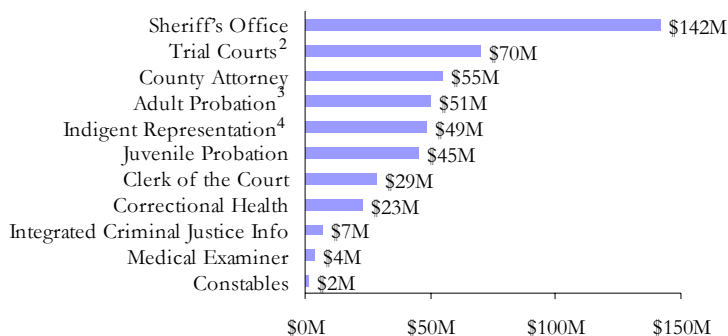
The justice system is growing. The composite budget for the Maricopa County justice agencies for the current fiscal year is \$477 million. This is up from \$407 million five years ago and from \$266 million in FY96. The majority of services funded with these dollars are mandated, leaving few cost cutting options during these tight budget times. (Figures since FY00 include Proposition 400 revenue, primarily the Detention Fund.)

**Aggregate Annual Budget
For All Maricopa County Justice Agencies**

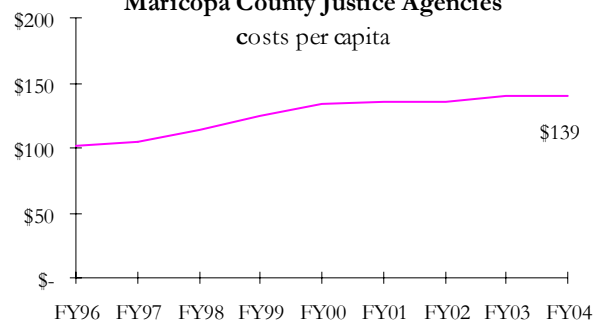


¹grants are primarily from state agencies; other funds include fees, and other special revenue
²includes funding for Superior Court and Justice Courts
³includes funding for Pretrial Services
⁴effective in FY03, funding for Judicial Mandates was budgeted with Indigent Representation

FY04 Adopted Budget By Agency



**Aggregate Annual Budget for
Maricopa County Justice Agencies
costs per capita**



Jail Tax Budgeted Revenues and Expenditures

	FY99	FY00	FY01	FY02	FY03	FY04
Revenues	\$ 44,000,000	\$ 91,738,000	\$ 95,333,000	\$ 103,017,791	\$ 104,372,607	\$ 103,482,582
Expenditures						
Capital Facilities						
Development	13,000,000	55,028,139	69,618,279	232,997,678	249,325,795	118,425,196
Integrated Criminal Justice Information System (ICJIS)	-	1,650,000	1,900,000	4,682,763	4,541,898	7,236,337
Other Jail Tax	-	8,481,125	10,197,712	10,807,497	26,955,666	46,994,916

Even with increased investments in the justice system, funds fall short of meeting agency needs

All Maricopa County justice agencies agree in citing the single most significant challenge they face today: meeting the increasing demand for services when revenues fall short of commensurate increases in kind. Agencies rarely see additional staff for additional units of services provided. While resource needs are a regular assessment during budget development each year, competing needs—not only in other county mandate areas such as health care but between justice agencies themselves—could consume more than available revenues. Rising demands on the justice system without commensurate staff increases create higher individual staff workloads. Higher workloads can increase delays, as well as apply pressure on staff (including judicial officers) to resolve matters with minimal time and effort.

The impact to the Maricopa County budget of increases in mandated services, such as related to the ruling in the Ring case (see page 24) is then compounded. When budgets are tight, it is often social services or other discretionary programs that must be sacrificed. In present times when the state fiscal crisis absorbs all funding possible, discretionary funding may all but disappear. This can end up harming the justice system more in the long run, since many of those discretionary programs have the potential to slow the growth in mandated justice services.

Therapeutic Jurisprudence . . .

. . . advocates not only adjudicating cases, but also addressing the underlying cause for court intervention.

Originating in the early 1990s, this philosophy urges considering the personal and social problems as well as the legal issues that arose because of those problems. Viewed by growing numbers as the logical evolution of civil jurisprudence, the practice has the court and legal system addressing various ills of a family in an attempt to discover and resolve the root cause or symptoms of problems that led to court action.

Within the criminal justice environment, integrating treatment and judicial services is not being ‘soft on crime’ or expanding the role of the court. Rather these are businesses that the court and justice agencies pursue to mitigate factors that otherwise increase service demands. This will be discussed in greater detail as applicable to criminal and family-related matters.

see appendix

Agencies must track program performance and seek all opportunities to streamline work so they may ‘do more with less’

As a consequence, increased workloads throughout most of the justice system must be met with base budgets. For Maricopa County government, the detention population and new facility operations are requiring all available funding. In FY03, administrative agencies absorbed a 10% budget cut in order to free funds necessary for most critical services. Then, within the court system, through each case type, efforts were made to streamline processing and otherwise improve efficiencies. This will be examined more in the next section.

The Managing for Results program (MfR) throughout Maricopa County government measures performance of all services. Through these means, agencies may assess which efforts are useful and which may be improved. This also provides taxpayers with objective data on their government’s performance, enhancing accountability.

A PROACTIVE APPROACH: THERAPEUTIC JURISPRUDENCE

While the mandate to Maricopa County justice agencies is primarily reactive, a proactive approach allows an opportunity to reduce the future demand for these services - a somewhat unusual role for the justice system

Experts project that this region will continue to grow. The justice system, therefore, must prepare to meet increasing service demands. This will require that the region build more courtrooms, and hire more attorneys and medical examiners and probation officers.

The challenge to agencies is how to expand the work presently being done *plus* look ahead to the future to what might help slow the growth in the caseloads. When successful at these efforts, county agencies help improve the quality of life in the region. With an ethic of care introduced, justice services may result in conclusions that are more lasting.

Agencies are now attempting to address root causes of disharmony and crime, in an effort to lower costs and improve the quality of life in the region. This allows government to meet the public’s need while attempting to contain costs and the growth of government. In the absence of these efforts, ‘more of everything’ will be necessary.

The notion of “Therapeutic Jurisprudence” advocates not only adjudicating cases, but also addressing the underlying cause for court intervention

See sidebar

Changes and Challenges in Criminal Justice

In this section we will review particular statistics and events within the criminal justice arena of Maricopa County government. Since much of the earlier *National Scene* and *Local Scene* sections reviewed criminal activity at those levels, for this section the focus will remain on Maricopa activity over the past four years and particular changes between the past two fiscal years.

THE PROBLEM: CONDITIONS UNDER WHICH WE OPERATE

The inherent structure of the criminal justice system is vastly different from other justice case-types, crossing branches of government and instituted through multiple agencies

These agencies hold distinctive mandates, yet function as part of a system. These organizational and functional differences make managing a criminal justice system in any region challenging. In Maricopa County, those challenges are compounded by the heady rates of population growth in the region. These factors combine to result in a set of circumstances that few regions must face.

Although comprising only one-quarter of the total Superior Court caseload, criminal matters impose a disproportionate total public cost since additional agencies exist to prosecute, defend, and detain defendants. The County Attorney's Office, Clerk of the Superior Court, and Sheriff's Office, as well as individual Justice Precincts, are headed by an elected official. Superior Court judges are appointed and then retained by public vote. Indigent Representation is the only component of the system managed by County Administration.

The Maricopa County Justice Coordinating Committee (McJustice) is a consortium of the law enforcement and justice agencies of Maricopa County. McJustice partners developed a purpose statement of their collective efforts (see sidebar). Agencies acknowledge challenges related to growing caseloads, strained resources, and often conflicting objectives, and offer a commitment to criminal justice reform in order to meet the growing needs of the region.

Criminal justice challenges in Maricopa are magnified by significant rates of growth

For the past several years, workloads in this segment of the justice system have increased considerably. Much of this is due to population growth while some indeterminable portion may be attributed to the nature of the population type in this region, as is explored more fully in the *Changes and Challenges in Family Matters* section of this report.

Over the past four years, population growth has averaged 4% per year while felony filings into Superior Court increased more than 10%. While some of recent increases in Superior Court filings are attributable to felony cases filed directly there rather than first into Justice Courts (began in May 2002), this workload was nonetheless absorbed by the Maricopa County justice system partners.

Systemwide Goal #2, on Recidivism: Conduct an evaluation of which Maricopa County justice sanctions, services, and programs effectively discourage repeat offenses by FY04. With this understanding, realize a 2% reduction in felony offender recidivism rates for each subsequent year.

Systemwide Goal #3, on Improving Case Processing: Determine what additional progress can be made to more efficiently administer active criminal cases without diminishing effectiveness, by the end of FY03, and then:

- Close as many cases as are opened each month by the end of FY03
- Clear 90% of non-complex cases within 180 days by the end of FY03
- Clear 99% of non-complex cases within 180 days by FY06
- Clear 90% of complex cases within 365 days by the end of FY03
- Clear 99% of complex cases within 270 days by FY06, and
- Clear 99% of death penalty cases within 540 days (18 months) by FY06.

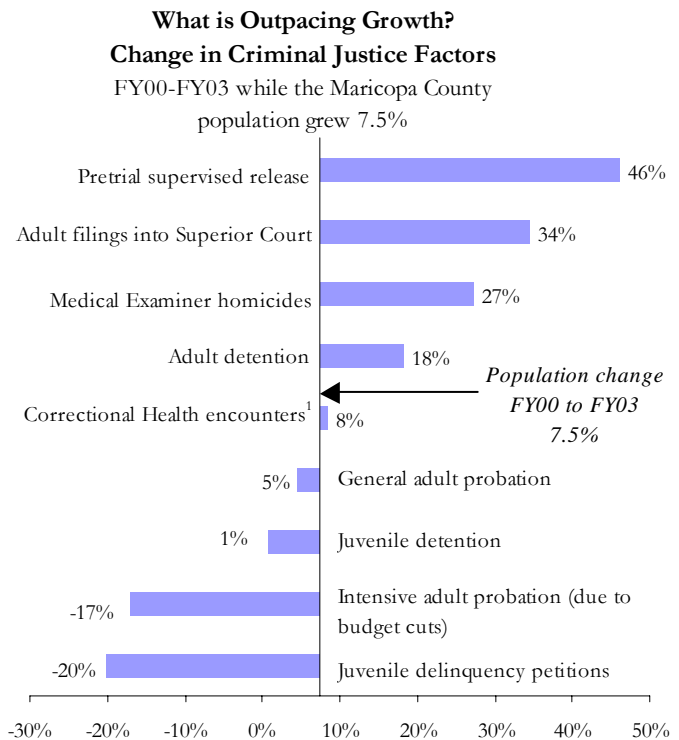
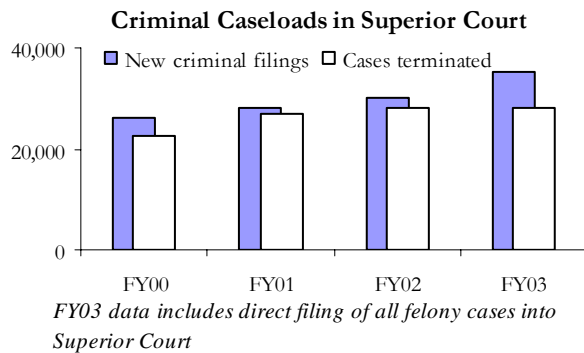
"McJustice is dedicated, through the three branches of government, to working together to provide the people of Maricopa County with economic, innovative, and accountable public safety and justice programs. McJustice promotes collaboration among competing interests to improve and protect the quality of community life, by:

- *searching for truth,*
- *seeking justice in each individual case,*
- *promoting domestic tranquility and general welfare, and*
- *securing the blessings of liberty to each individual and their posterity,*

as originally envisioned in the United States Constitution."

- "Statement of Purpose" of McJustice, affirmed by all agencies, September 1999

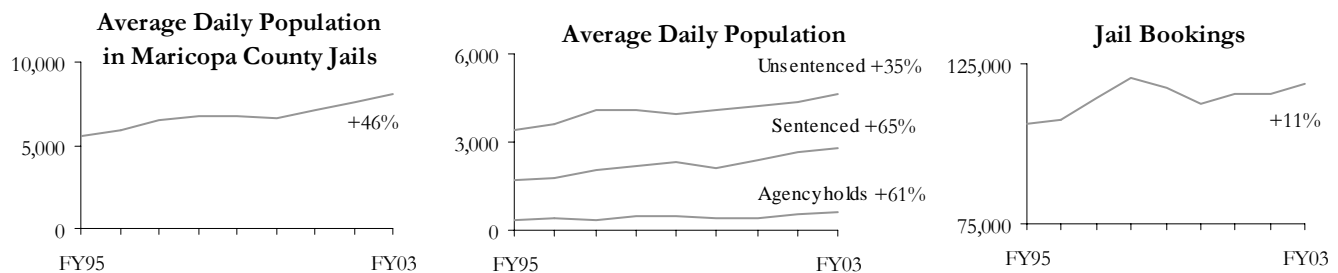
Systemwide Goal #1, on Preventing Crime: Develop regional strategies by FY02 for reducing juvenile delinquency, and then show a 25% reduction in violent crimes and a 10% reduction in non-violent crimes in targeted areas during a five year period ending in FY04.



¹ shows % change FY02 to FY03

This growth leads to record numbers in county jails

Brisk business in criminal case processing leads to record numbers in Maricopa County jails. The adult detention population increased every year since 1995, except for a minor reduction in 2000. The Sheriff's Office houses predominantly pretrial defendants, as well as a number of inmates sentenced to less than a year in jail. These individuals are generally adjudicated through the Superior Court, but also include those managed through the Justice Courts, municipal courts, as well as holds for state or federal agencies.



Bookings into Maricopa County Jails							
	FY00	FY01	% chg	FY02	% chg	FY03	% chg
Local Police	92,601	90,116	-3%	90,781	1%	91,336	1%
Federal	1,699	1,160	-32%	1,192	3%	1,207	1%
County	6,233	6,632	6%	6,934	5%	6,764	-2%
State	232	230	-1%	235	2%	316	34%
Self Surrenders	11,358	16,694	47%	15,928	-5%	18,177	14%
City Court	7,979	11,926	49%	10,934	-8%	12,388	13%
Justice Court	1,540	2,499	62%	2,725	9%	3,215	18%
Superior Court	1,839	2,269	23%	2,269	0%	2,574	13%
other						665	
	112,123	114,832	2%	115,070	0.21%	118,465	3%

The county attempted to provide infrastructure in pace with community needs. However a bond election during the 1990s failed. With no capital funding for jail construction, the criminal justice system turned inward to attempt to slow the growth in the jail population. The number of detainees in jail and the corresponding length of time each is incarcerated is largely a function of the judicial process. The main areas of interagency focus were expediting case processing and managing defendants out-of-custody wherever advisable.

Judgment was entered in a federal lawsuit in 1977 (*Hart v. Hill* (MCSO)), regarding conditions in Maricopa County jails for pretrial detainees. Efforts pursued since an Amended Judgment was entered in 1992 include measures to reduce bookings, reduce the number of inmates and the corresponding length of stay, increase post-sentencing measures, and provide more options to expedite case processing. The bed capacity had been increased during the 1990s by implementing all opportunities short of a major capital campaign (added barrack-type dormitories, tents for sentenced offenders, etc.). That was made possible by voter approval of Proposition 400 in 1998 (see page 25).

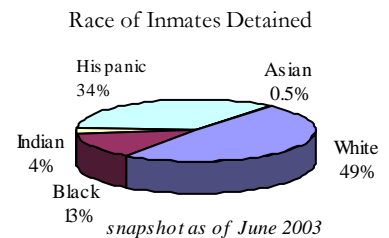
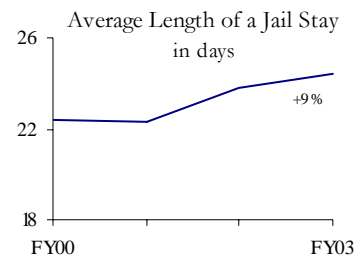
While demand for services increases, deficits in the State of Arizona budget threaten funding for critical county mandates

The overall state budget cuts threaten critical and interdependent criminal justice services. As discussed on page 18, funding to Maricopa County from the State has been cut, in terms of both state-aid and grants and has required counties to take on certain responsibilities previously paid for by the state. This has caused considerable budget balancing difficulties, particularly in an environment where the demand for services continues to increase. This is worsened by the interdependent nature of criminal justice agencies, where cuts to one entity very often have service impacts on another.

While all criminal justice agencies faced cuts, such as for programs funded with Fill the Gap monies, the most invasive system cut impacted managing offenders in the community. Superior Court and Adult Probation activities are funded in part with state monies, and Adult Probation funding was cut substantially. This caused the Arizona Supreme Court to post notice of a fiscal emergency in the judicial branch and resulted in reduced probation caseload abilities and increased detention in county jails and state prisons.

Administrative Order 2002-118 of December 2002 cut Adult Probation funding by \$2.8 million and eliminated 125 positions that were funded by the state. As a result, the department had to reduce its capacity for intensive probation supervision and terminate probation early for low-risk offenders. With passage of HB 2533 late in the fiscal year, the county assumed primary funding responsibility for Intensive Probation Supervision, State Aid Enhancement, Interstate Compact, and the Community Punishment Program. A major goal of the County is to now return the department to staffing levels that were in place prior to the cuts. Please refer to the Defendant Monitoring section beginning on page 33 for a discussion of probation caseloads and efforts to manage the severe budget cuts.

Another budgeting complexity is the criticality of mandated criminal justice services. For the past two years, Maricopa County has been forced to devote all funds necessary to these services, at the expense of other county agencies. When faced with more inmates to feed and manage, other priorities, no matter how reasonable, take a back seat.



Per Capita		
Bookings	FY00	3,620
	FY03	3,559
Average daily jail population	FY00	215
	FY03	242

Change from FY02 to FY03

Total filings **↑ 6%**

Criminal filings into Superior Court **↑ 17%** (*some portion due to direct filing*)

Bookings **↑ 3%**

Adult jail population **↑ 5%**

Pretrial release population **↑ 19%**

Juvenile petitions **↓ 5%**

The U.S. Supreme Court ruling regarding Ring v. Arizona was handed down in FY03, dramatically changing how capital cases are adjudicated. This action impacts criminal justice systems in several states. The Court held that juries must make findings regarding aggravating factors that are a prerequisite to imposing a death sentence determination rather than a judge doing so, which significantly lengthens these cases.

A special session of the Arizona Legislature resulted in statutory changes requiring juries to make the actual death sentence determination. After extensive review between Maricopa justice agencies and the budget office, a minimum of \$3 million annually was determined to be needed for resources to implement this change. Yet early efforts to institute these changes suggest that actual costs may exceed this figure.

Please see the shaded box on the inside front cover for statistics on a typical workday in the Maricopa County justice system.

Changes in law and court guidelines added complexities and workloads to the system

A focus during FY03 for all justice agencies was responding to the U.S. Supreme Court ruling in Ring v. Arizona. This substantial change in how capital cases are managed will continue to challenge agencies as they adjust to new procedures and increased mandated service costs. See sidebar.

Changes in Arizona law now require more vigorous supervision of persons released on bond on certain sex-offense charges. Electronic monitoring is mandatory for those defendants, which has dramatically increased the demand for pretrial release supervision. Please refer to the *Expanding Defendant Monitoring* section (page 32) for a review of community release monitoring, which shows current caseloads for pretrial release eclipsing any prior recording period.

Also within Arizona, the Supreme Court issued changes in the Rules of Criminal Procedures. Changes to Rule 8.2 modified time standards for processing felonies. Calculations for case aging are now initiated at the time of arraignment, rather than at the date of filing. Other changes to Rule 8 established categories for complex cases and for capital cases; first-degree murder cases are initially declared complex at arraignment, and declared a capital case upon granting a motion by counsel. Other Rule changes (2.3, 2.4, 3.1) expedite the filing process, permitting a complaint to be filed upon signing by a prosecutor, for cases where no warrant or summons is necessary.

Fiscal year 2003 proved one of the more challenging in recent memory, with attentions divided between managing budget cuts and attending to increasing workloads

Unprecedented budget deficits in state government compounded the problem of meager revenues during the slowed economy. Criminal justice partners spent a good deal of time and energy informing legislators of potential short- and longer-term consequences of various budget-cutting proposals. This instability occurred while the criminal justice workload continued to increase, in an environment of reduced funding.

THE COUNTY RESPONSE: WHAT IS BEING DONE TO MEET THE DEMAND?

EXPANDING INFRASTRUCTURE

The caseloads described above require costly public investments. The push to grow government requires more and more buildings to house additional staff, courtrooms, and detainees. The court and attorney agencies used creativity to achieve maximum usage of limited space. But the most pronounced problem the Maricopa justice system faced over the past decade was locating adequate space for holding the increasing number of adults and juveniles needing to be incarcerated. This highest criticality area is the subject of the balance of this section.

The existing hard-bed detention capacity, approximately 5,200 adults and 350 juveniles, cannot adequately support the number of defendants that judicial officers order to be detained (with FY03 levels at 8,044 adults and 400 juveniles). But jails are among the most expensive public projects to build. As costly as it is to construct detention facilities, that cost pales in comparison with the operational costs over the life of a facility, since it requires round-the-clock services. Experts estimate that construction costs represent around 10% of the total investment in a jail over its useful life.

Maricopa voters passed two initiatives, creating a one-fifth cent sales tax to pay for new detention facilities

Beginning in 1997, citizens worked with national experts and developed a master plan for addressing crowding in adult and juvenile detention facilities. In November 1998, voters approved Proposition 400 which authorized a 1/5 cent sales tax for adult and juvenile jails and for public policy programs to help manage criminal cases and defendants in a manner designed to slow the growth in the jail population. That tax was authorized to continue nine years or until \$900 million was raised. Proposition 411 was then passed by voters in November 2002 to continue operations and maintenance funding through the year 2027. For in-depth information on these significant initiatives, see the [Justice System Annual Activities Report for Fiscal Year 2001-02](#).

This detention expansion program adds 3,139 adult and 388 juvenile beds, and is monitored by a citizens group

The capital improvement program for these detention facilities is the largest of its kind in the nation. All projects are within budget and only one will conclude with construction delays. Funding comes from Jail Tax revenues, with a 'pay-as-you-go' fiscal policy so as to avoid long-term debt.

A Citizens Jail Oversight Committee was established after passage of Proposition 400, to help ensure that the voter-approved initiatives would be responsibly implemented. Members were appointed by each member of the Board of Supervisors as well as the County Attorney, Presiding Judge, Sheriff, and County Administrator. The committee continues to meet regularly to review requests for projects, hear of progress, and report to the appointment authorities.

Fourth Avenue Jail (\$146.4 million): The jail is located between 3rd and 4th Avenues, and Madison and Jackson Streets in downtown Phoenix. The approximately 560,000 square foot mid-rise building contains 1,116 pretrial maximum custody jail cells, an intake processing center, two Initial Appearance Courtrooms, two courtrooms to be used for Probation Revocation matters, administrative support space, and parking. A tunnel system connects the new facility with the existing Madison Street Jail and Superior Court complex.

Lower Buckeye Jail (\$230.7 million): The jail is located on Lower Buckeye Road just east of 35th Avenue in Phoenix. The approximately 825,000 square foot project contains 1,110 cells including 288 maximum custody adult cells, 72 minimum custody adult cells, 504 remanded juvenile cells, 210 psychiatric cells, and 36 infirmary cells. The Lower Buckeye Jail also includes intake, jail command offices, Correctional Health Services offices, a central infirmary and pharmacy, a Central Services Facility (laundry, stores warehouse/food factory, and central plant), Sheriff's Office Training Facility, and Facilities Management Department Maintenance Facility.

Juvenile Detention and Courts (\$116.4 million): The Durango facilities are located south of Durango Street between 27th and 35th Avenues in Phoenix. The approximately 270,000 square foot project contains 220 beds, 12 new courts, and judicial suites and associated office space for support staff and related functions. A Residential Treatment Facility located at the corner of Durango and 35th Avenue includes approximately 28,000 square feet and 48 beds. The Southeast Juvenile Courts and Detention Facilities include 120 detention beds, classrooms, recreation, administration, and one additional courtroom.

Building Improvement/Major Maintenance (\$14.9 million): These costs are associated with renovating or replacing existing mechanical, electrical, plumbing, security, roofing, flooring, painting, and glazing systems at existing detention facilities. These completed projects improve operation in the preexisting facilities.

Integrated Criminal Justice Information System (\$25 million): A new department is responsible for providing automated systems and information technology expertise to promote efficient sharing of case information between criminal justice agencies. This will expedite case processing, reduce redundant data input, and ultimately enhance public safety. Phase one is funded.

The new adult and juvenile detention facilities are scheduled to all be operational by the summer of 2004

After years of planning, design, and construction, all the detention-related facilities will soon be operational. This includes the Sheriff's Training Facility, Fourth Avenue Jail, Lower Buckeye Jail, Juvenile Detention facilities at Durango and Mesa, and the Facilities Management Maintenance Building.

This will increase the bed capacity in adult facilities by 3,139 and for juveniles by 388 beds. A portion of this increased capacity will be readily absorbed to alleviate the current crowded conditions in both the adult and juvenile systems.

Plan for Operating Adult Detention Facilities

Phase I	Fully staff existing facilities
Phase II	Open Fourth Ave. & Lower Buckeye Jails; close Madison Street Jail for renovation
Phase III	Reopen Madison Street Jail; close and demolish Durango Jail

Plan for Operating Juvenile Detention Facilities

Phase I	Transition to new Durango & Southeast detention facilities
Phase II	Reopen existing beds at Durango as a post-disposition unit, expand Residential Treatment operations

Adult Detention Capacity

Sheriff's Office

Facility	planned capacity ¹	at the end of Phase II	at the end of Phase III
Fourth Avenue	-	2,008	2,008
Lower Buckeye	-	2,288	2,288
Durango	848	1,024	-
Estrella	832	992	992
Madison Street	1,440	-	1,440
Tents	1,360	1,600	1,600
Towers Jail	528	720	720
Madison Intake	125	-	-
New Intake	-	400	400
	5,133	9,032	9,448

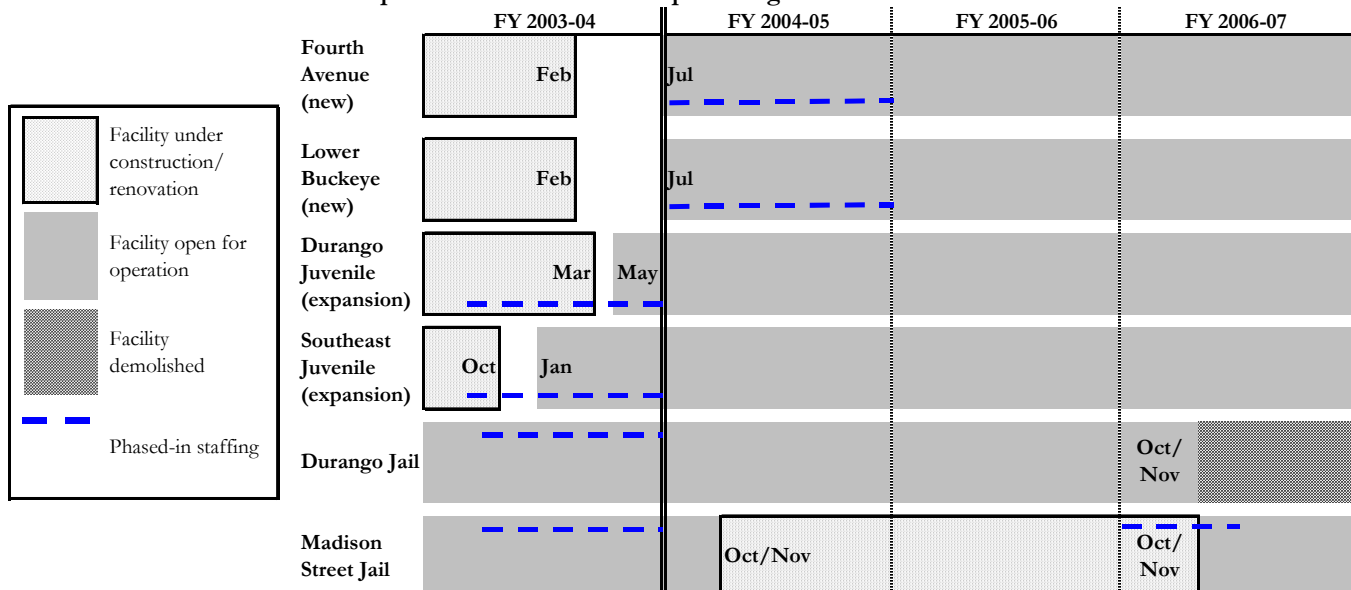
Juvenile Detention Capacity

Juvenile Probation

Facility	current capacity	with new facilities
Durango	229	300
Southeast	128	184
	357	484

¹does not include 3,086 portable and other temporary beds

Maricopa Detention Facilities Capital Program



The operational costs for these new facilities exceed \$100 million per year

Proposition 400 established a maintenance-of-effort provision, so that the Maricopa County commitment of funding to detention may not decline but must continue and increase according to a statutory formula. Without the tax extension authorized in Proposition 411, Maricopa ran the risk of being unable to open and fully operate these new facilities because of the high cost.

Until the tax extension kicks-in in 2007, Maricopa County has no more than \$243 million remaining from Proposition 400 to cover detention operations. Operational costs will be funded after the construction and one-time start-up costs are paid. Since there will be only \$243 million available to cover three plus years of new operations, a phase-in approach for the new beds is necessary.

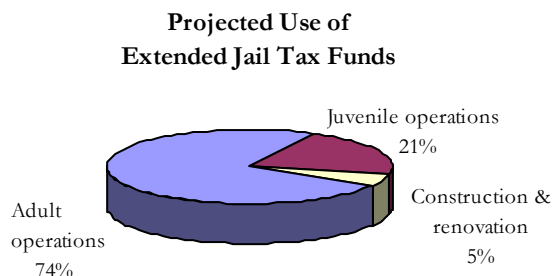
The facilities have been designed to minimize operational costs and consultants have helped assess personnel needs to properly manage and operate the adult, juvenile, and correctional health facilities. Eighteen million is budgeted in the current fiscal year to begin the gradual phase-in of new jail beds so that the costs are covered within the bounds of the limited resources.

Proposition 400 Revenues - tax expires December 2007

	(in millions)
Total revenues	\$ 900
Total expenses (estimated as of FY03)	\$ 657
Capital Improvement Program	22
Reserve	10
New facility start-up costs	50
Renovation of existing facilities	75
Proposition 400 revenues remaining for operations	\$ 243

Proposition 411 Revenues - tax begins upon expiration of

	(in millions)
Total revenues first full year	\$ 132
Estimated operational costs first full year	\$ 110



Remaining Proposition 400 funds will cover only 2.5 years of full operations while four years remain until Proposition 411 revenues begin (FY08). Even with Proposition 411, the shortfall between FY04 and FY08 will necessitate phasing-in of new operations. Full operation of all facility components may not occur until the FY08 budget year.

Once detention operations and construction and/or renovations are fully funded, consideration will be given to funding programs that reduce the expense of adult and juvenile facilities, as identified in Proposition 400.

Bringing these new facilities on-line while still operating the existing detention facilities will be a staggering effort

Maricopa County has never experienced an operational expansion of this magnitude in its justice system. To staff these facilities more than 1,700 additional personnel will be required, the majority with the Sheriff's Office, and many with Juvenile Probation and Correctional Health Services, as well as staff related to the necessary support functions. This is a huge undertaking. Recruitment and hiring efforts alone are requiring more support staff, and training issues for new and existing detention staff are unparalleled.

Other noteworthy capital projects:

The Board of Supervisors recently approved three new capital projects for Justice Courts. One project will co-locate four Justice Courts at Union Hills and 40th Street, in conjunction with a design-build project to provide twelve Superior Court courtrooms. Another project is downtown at Jackson Street between 6th and 7th Avenues and will provide co-location of five Justice Courts. If funding is available, this project will additionally provide up to two levels of Superior Court administration space. The third related project will provide four courts in Surprise adjacent to the Maricopa County Superior Court building currently in operation. These three justice court projects will be completed and ready for operation by mid-2005.

STREAMLINING CASE PROCESSING

A cornerstone of the Maricopa criminal justice system over the years has been its commitment to revisit how services are provided to gain efficiencies wherever possible. This has been spurred not only by increasing caseloads, but also by pressures to reduce jail crowding, reduce case backlogs, endure budget constraints, and meet or exceed speedy trial guidelines of the Arizona Supreme Court.

County justice agencies have worked together on designing opportunities to constantly improve case and defendant management. The Superior Court has undergone significant reengineering and restructuring that has expedited front-end felony calendars, consolidated Justice Court and Superior Court operations, reduced time between court events, established differentiated case management, actively managed continuance requests, established post-adjudication specialty courts, and tailored proceedings that deal with the high rate of substance-abusing offenders.

While these changes improve efficiencies, it is important to keep in mind that they also tax agency resources. Any change—even to the good—takes resources to evaluate, plan, fund, and institute. These efficiencies are especially needed when caseloads increase, as has been the case in Maricopa County. That is also the time when agencies can ill afford the staff and financial resources needed to ensure effective migration to new ways of conducting business.

Regional Court Centers (RCCs) now consolidate front-end felony proceedings to improve cases processing

This program began in early 2001 with new funding established to “Fill the Gap” existing when additional revenues were secured for expanded law enforcement and detention facilities, but not other segments of the justice system. To speed resolution of criminal cases, these courts consolidated early court processing from Justice Court and Superior Court into one event at one location. The RCCs consolidate felony preliminary hearings and arraignments to the same day, at each of the three RCC sites (Downtown, Southeast, and Northwest), thereby reducing both delay and duplication of effort. Proposition 400 addressed reducing transports of in-custody defendants to the various Justice Courts, due to the related expense and risk to public safety. The RCCs help manage the need for detention services and improve safety for jail transports.

On the Regional Court Centers . . .

“In our professional opinion, the RCC program . . . [is] a significantly improved process for resolving less serious felony cases, leaving more court and justice system resources available for resolution of more serious cases . . . Every performance indicator . . . affirms that the Maricopa County felony justice system is achieving significant delay reduction and system-wide cost benefit from the work being done at the RCCs.”

-Greacen Associates, LLC,
Evaluation of the Effectiveness of the Regional Court Centers in Maricopa County, Arizona, report to Arizona Administrative Office of the Courts, February 19, 2002

The value of the RCCs is advanced by the Direct Complaint Program

Beginning May 2002, the Direct Complaint Program further streamlined front-end felony processing. Complaints previously filed by the County Attorney's Office in Justice Courts are now filed directly with the Superior Court through the Regional Court Centers. This eliminates the transfer of complaint paperwork between courts for cases that would be bound-over to Superior Court. Superior Court now handles all felony matters from inception, with bench officers able to preside over a fuller range of case complexities. The Superior Court, Justice Courts, Clerk of the Court, Indigent Defense, and County Attorney all partnered to address difficulties as they arose with this significant change in case processing.

Direct filing of felony complaints into one of the three Regional Court Centers has satisfied several Proposition 400 initiatives and dramatically altered the criminal justice system in Maricopa County. Measurements of this improved performance will likely continue to evolve in the future.

The Initial Pretrial Conference Center and changed procedures reduce delay for cases post-RCC processing

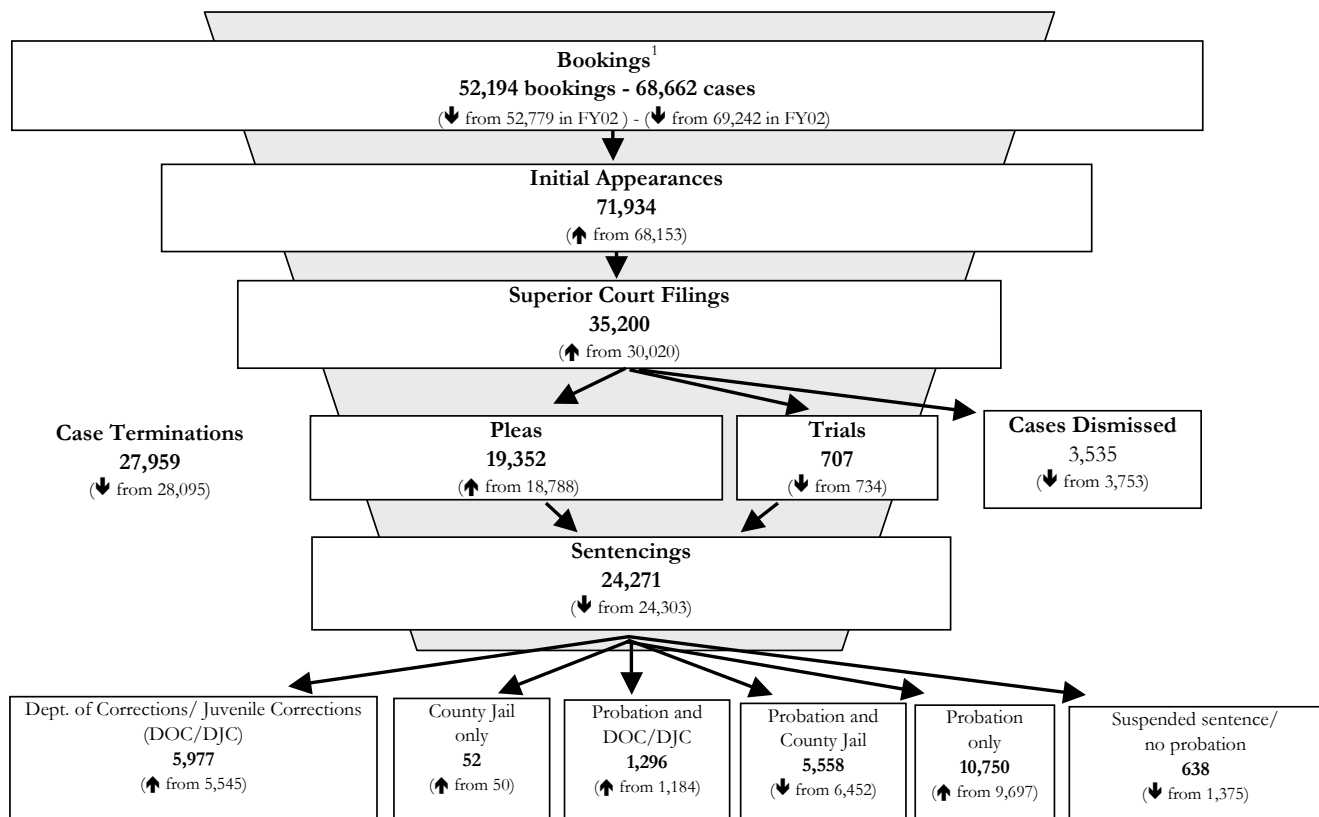
Additional tailoring of case processing has been accomplished in managing cases scheduled for trial. Initial Pretrial Conferences (IPTC) were advanced from 56 days after arraignment to 35 days, in the fall of 2001. An IPTC Center was established in July 2002, consisting of two judicial officers who conduct pretrial conferences and are available to take changes of plea in the afternoons.

On direct filing . . .

"It has eliminated a cumbersome and duplicative structure of the original RCC process, enabling much easier processing of preliminary felony case matters including the availability and use of interpreters. . . . It has improved the flow of information and accountability within the criminal justice system; it is harder for felony cases to 'fall through the crack.'"

-Greacen Associates, LLC, and Preliminary Evaluation of the Impact of "Direct Filing" on the Active Criminal Case Inventory of the Maricopa County Superior Court, January 7, 2003

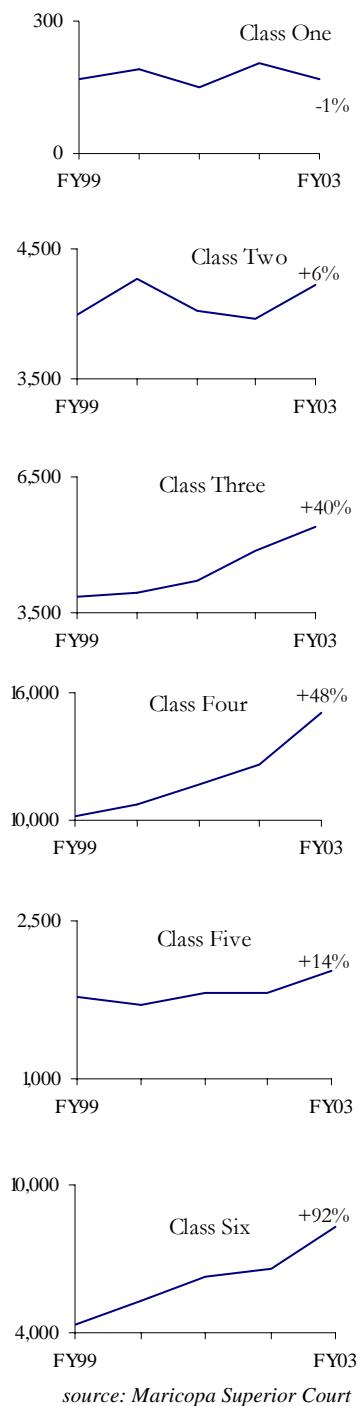
Adult Felony Case Events in the Maricopa County Justice System Fiscal Year 2002-03



¹ total bookings and cases with a felony charge

This graphic portrays all events related to felony cases that occurred in FY03 (with activity from the prior fiscal year noted in parentheses). This display does not track individual cases through the system so the numbers may not add. Source: Superior Court and Sheriff's Office

ADULT FELONY FILINGS OVER TIME



For many cases, the court schedules a Final Trial Management Conference a few business days prior to the scheduled trial date. This event helps settle cases that are close to resolution, rather than cases settling the morning of the trial date after a jury has already been called and is waiting, all of which wastes resources. The court ensures that bench officers are available when needed to accept a defendant's change of plea.

Another change that reduces case delay is a Motion to Continue Panel, which hears requests to postpone a trial. A panel of judges rotates through a daily calendar to rule on requests for continuances. This relates to second and subsequent motions to continue along with motions for delay longer than five business days.

Substance abuse continues as a significant root cause of criminal activity, with court resources differentiating these cases so hearings may result in more meaningful conclusions

In order to streamline case flow, Proposition 400 urged tailoring case management practices to the requirements of like cases and eliminating less-than-meaningful court events. Differentiated case management related to substance abuse further achieves that goal. A random test of offenders booked in jail resulted in findings that 67% of males and 59% of females tested positive for drugs. The Master Plan therefore called for additional drug treatment services, evaluation, and programming, as well as broadening the category of offenders placed in court programs, as a means to help slow the growth in the jail population.

Superior Court partitioned off low-level drug-related offenses for specialized processing in 1997, after passage of Proposition 200. The proposition favors treatment and limits jail time as a possible sanction for low-level drug charges. These cases (approximately 30% of all filings) are directed to the **Early Disposition Court (EDC)**.

The EDC consolidates cases involving these offenses to a common court with attorney, probation, and treatment personnel on-site to triage and resolve cases or divert the defendant to treatment. Nearly 10,000 drug cases were funneled through EDC last fiscal year. The two EDC judicial officers resolve most simple possession and drug use cases in approximately 20 days instead of the courtwide average of 92 days for other case types. EDC also hears welfare fraud and spousal support fugitive matters.

While EDC focuses on expediting case conclusions, Drug Court occurs post-disposition. The more serious offenders are sentenced to Drug Court. Superior Court developed a Maricopa **Drug Court** in 1996, which evolved to be one of the first post-adjudication court in the nation.

In the program, offenders enter into a contract with the judicial officer, with a list of responsibilities they must carry out (such as attending counseling meetings, paying fines or fees, submitting to urinalyses to prove they discontinued using substances). If the offenders succeed and comply with terms of their agreement, they are rewarded and may be released from probation requirements. If the offenders break terms of the contract, sanctions are imposed such as more lengthy time in the program or serving time in jail. Where necessary, the court imposes requirements that the individual live in a half-way-house or be admitted for residential treatment. As a type of therapeutic jurisprudence, these cases are managed by counselors with Adult Probation and status reports on progress of the participants is regularly discussed among the bench, Adult Probation, defense counsel, and prosecutors.

Class One Felony
Murder 1st degree
Murder 2nd degree
Conspiracy to Commit Murder

Class Two Felony
Narcotic Drug Violation
Armed Robbery
Dangerous Drug Violation

Class Three Felony
Theft- Means of Transportation
Aggravated Assault
Burglary 2nd Degree

Class Four Felony
Aggravated DUI
Dangerous Drug Violations
Forgery
Burglary 3rd degree

Class Five Felony
Unlawful Flight from Law Enforcement Vehicle
Theft- Credit Card
Unlawful Use of Means of Transportation
Theft
Aggravated Domestic Violence
Aggravated Assault

Class Six Felony
Marijuana Violation
Aggravated Assault
Resisting Arrest
Marijuana Possession/Use

The above lists include felony types representing the majority of cases within that category. Not all case types are included.

Two Drug Courts are now in operation, having had 813 new cases assigned in FY03. An assessment of these Drug Courts was recently concluded by the National Institute of Justice and Arizona State University. They found that participants who had jail as a threat for non-compliance did not show greater success in the program than those for whom jail was not an option. However, offenders having served some portion of a sentence in-custody did show improved compliance. ([Maricopa County Drug Court Evaluation](#), Hepburn, 2003)

Starting in December 2003, the court is establishing a consolidated felony **Driving Under the Influence Center** (DUI) with two judicial officers. DUIs will continue to be initially processed through the RCCs, but if a defendant pleads not guilty and requests a trial, the case will be sent to the DUI Center which will manage the cases through trial and sentencing.

Resolving substance abuse problems is an imprecise science. Regular assessments are necessary to target treatment options to an offender's particular needs. Adult Probation initiated the **Reach-Out Program**, to assess jailed, non-violent probationers substance abuse problems, to determine their level of treatment need. During FY03, Reach-Out staff conducted 1,171 clinical assessments of jailed offenders in need of substance abuse services. Of those: 503 were released early to outpatient services and/or halfway houses; and 341 were released to in-patient residential treatment, more than double the number the prior year. The program saved over 21,000 jail bed days over the fiscal year, averaging 1,811 days saved per month.

Specialty courts allow post-disposition monitoring of defendants to help reintegrate them into the community and lower recidivism rates

Specialty courts focus on particular segments of the court's defendant base that have special needs, while supporting community safety. In most instances, the offenders are ordered to return to court on a regular basis for mandatory status hearings. The judge may then provide rewards for compliance or sanctions for those who do not comply. The **Drug Courts** noted on the prior page are a prime example of differentiating cases into specialty courts.

Other specialty courts in Maricopa include the **Probation Revocation Center** (established in July 2002), which averages 1,200 probation revocation arraignments per month. In the past, probation violations matters were handled by several judges who added these cases to their regular court calendars. Offenders who violate their terms of probation are now managed in a consistent manner at this consolidated court. These proceedings will be shifted to the basement courtrooms of the new Fourth Avenue Jail when it opens in the summer of 2004.

A **Mental Health Court** was established as a component of the Probation Revocation Center. Patterned after the Drug Court model, the court helps offenders remain on any prescribed medication and comply with court-ordered conditions, including law-abiding behavior.

A **Domestic Violence Court** began in 2002, for related offenders on probation. This added level of court oversight helps the domestic batterer successfully complete therapy, anger management classes, and regular treatment. Domestic violence cases previously heard at the 23 Justice Courts have been transferred to Superior Court for centralized defendant monitoring.

A **post-conviction DUI Court** operates on the Drug Court model and imposes additional requirements on felony offenders. Court is held for both English and Spanish speakers. The results of a long-term research study on the DUI Court will be released in the present fiscal year, with the results available to instruct the court on how to optimally address these case-types. During FY03, the court added electronic alcohol monitoring for all new DUI Court participants during their first 30 days in the program.

These efforts at improving the likelihood for a defendant to succeed post-disposition are carefully evaluated. The Managing for Results program for all Maricopa agencies utilizes performance measurement to gauge results and take action accordingly. The extent to which programs reduce recidivism and help the offender choose a law-abiding lifestyle will be a subject for review in future year reports.

One of the justice-related issues dealt with in the Second Special Legislative Session which concluded in December 2003 involved court revenues. As a measure to help deal with the \$1 billion state budget shortfall, last year statutory changes withheld a portion of county and municipal judicial fines and fees. Action in this Special Session repealed the law as of the end of the current fiscal year. Superior and lower courts will again be able to keep those fine and fee revenues for managing caseload growth, the original purpose for these revenues.

Other noteworthy efforts:

- **Restoration to competency** is in the process of being expedited, with Superior Court and Correctional Health Services initiating treatment while the defendant is in jail awaiting transfer to the Arizona State Hospital.
- A **Central Rule 32 Administrative Processing Unit** is in effect now within Superior Court to more effectively prepare and monitor post-conviction relief cases.
- Enhanced and **expedited presentence reporting**.

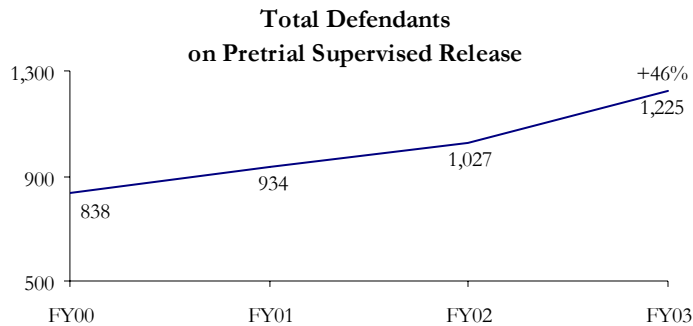
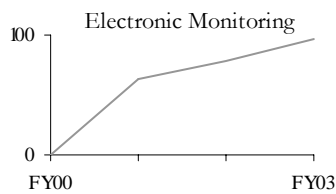
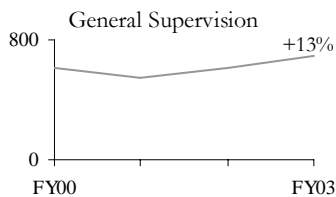
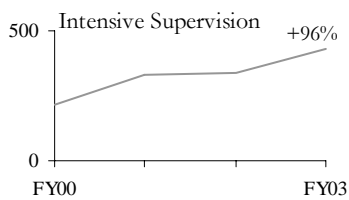
IMPROVING DEFENDANT MANAGEMENT

Pretrial detention is often necessary to ensure the defendant's appearance in court. When risk factors suggest that court appearance and public safety may be secured with supervision of the defendant in the community, court-ordered supervision is provided by the Pretrial Services Division of the Adult Probation Department.

Wherever allowed by the judicial officer, pretrial release is preferable to further detaining the individual as it imposes a lower cost to the overall system and allows the defendant to maintain a normal routine (such as keeping a job). Incarcerating defendants is generally the most costly of options available to the judicial officer, for FY03 costing \$45.84 for the daily housing fee and \$99.36 for the first day booking rate. The cost for standard adult supervision is \$3.00 per day.

Total caseloads for Pretrial Services have reached new all-time high numbers, with a monthly average for FY 03 of 1,130 defendants

Until recently a function within Superior Court, Pretrial Services has merged with Adult Probation and provides low- or more intensive supervision of defendants as well as the potential for electronic monitoring of individuals to aid in that supervision. Changes in law related to sex-offenses, mandating electronic monitoring of any pretrial defendant who posts bond, straining available resources.



The system significance of pretrial release is highlighted in Proposition 400. Voters approved three specific pretrial release recommendations: 1) add 32 positions to enable the supervision caseload to increase to 1,200; 2) implement an electronic monitoring program with 50 units initially, expanding to 150 units by 2012; 3) update the bail classification matrix to make sure it still has predictive capability.

The Master Plan projected a pretrial supervision caseload of 1,200 by 2012, and recommended increasing staff to 69 by then. The agency approximates that caseload in 2003 with 47 positions. Adult Probation is collapsing administrative functions to allow more pretrial positions to cover caseloads, and is developing a staffing model to streamline future consideration of pretrial staffing needs.

The Adult Probation Department manages sentenced offenders as ordered by the court. They urge pro-social change in probationers and work with the community on restorative justice opportunities. Since jail crowding issues became pronounced in this region in the mid-1990s, the Adult Probation Department has worked to provide a full range of intermediate sanctions to help ease the strain on detention resources while maintaining public safety.

Due to the state budget crisis, Maricopa Adult Probation was cut by \$2.8 million which eliminated 31 officers from general caseloads and 17.5 intensive probation teams

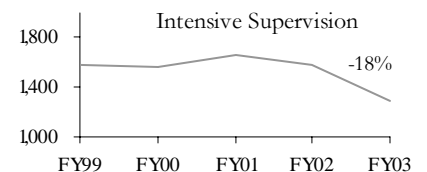
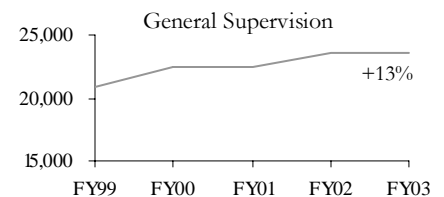
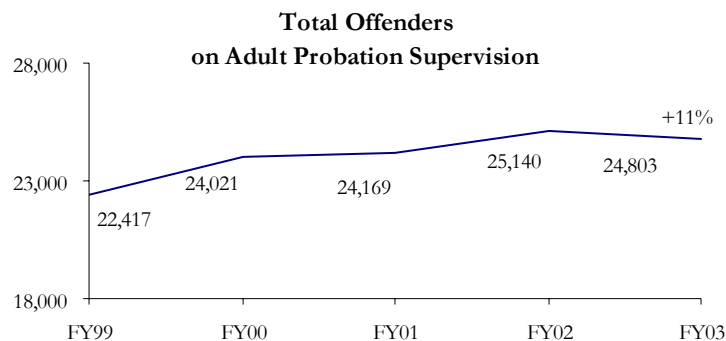
In reaction to the budget cuts and response to the Arizona Supreme Court directive (see sidebar), the Maricopa Superior Court issued Administrative Order 2002-118 in December 2002. Adult Probation had to reduce its capacity for intensive probation supervision and terminate probation early for lower-risk offenders. Additionally the department was unable to fill vacancies, provide staff with compensation increases, or implement a compensation plan. This limited the number of offenders the department could supervise. To maintain officer safety and effective supervision of existing probationers, the court imposed caseload caps, making probation as a sentencing option less available.

With passage of HB 2533 in 2003, Maricopa County assumed responsibility for funding most Adult Probation services, including intensive probation supervision, State Aid Enhancement, Interstate Compact, and the Community Punishment Program. A major goal will be to return Adult Probation to staffing levels that were in place prior to the budget cuts. As of the time of printing of this document, 38 new officers have been hired with an additional recruitment class anticipated for January 2004.

"IT IS ORDERED that a Fiscal Emergency is declared in the Judicial Branch of Arizona . . .

. . . the Administrative Office of the Courts shall . . . preserve to the extent possible, the ability of local probation departments to perform their statutory duty to protect the public through effective supervision of offenders sentenced to probation and living in Arizona's communities."

-excerpt from Arizona Supreme Court Administrative Order No. 2002-113



FULLY UTILIZING TECHNOLOGY

Information management has the power to drag down or speed up case disposition. Sound and timely case decision-making and resolution requires accurate and accessible information. In order to meet increases in case complexity and absorb the increase in cases, agencies require all the assistance that may be afforded through technology.

Information ranging from filing charges to whether a defendant is in-custody may be needed by various facets of the criminal justice system at different times. Recognizing this, a significant initiative in Proposition 400 deals with integrating appropriate criminal justice information. This would cut down on duplication of data entry, enhance staff efficiency, and provide speedy access to valid data.

Phase I of the Integrated Criminal Justice Information System (ICJIS) is near completion

After passage of Proposition 400, stakeholder criminal justice agencies entered into an agreement to cooperatively create the ICJIS agency, with the charge to implement an integrated criminal justice information system. On January 10, 2001, the ICJIS Executive Committee approved the initial Strategic Business Plan. The long-term ICJIS Plan covers three phases. Phase I integrates county criminal justice information systems to share data. Phase II, *if funded*, will expand integration to include other local, state, and federal justice systems and to share documents, provide management information, and access to criminal histories. Phase III, *if funded*, will allow for electronic document management, enhanced public access to data, and seamless workflow.

Other noteworthy technology efforts:

- **Jail Processing:** There are innumerable technological advancements that will be instituted within the new Fourth Avenue and Lower Buckeye Jails.
- **Electronic Form IVs:** Part of the iCIS and common case number efforts includes creating an electronic form IV that will reduce errors between the arresting officer, the booking desk in the jail, and the Initial Appearance Court.
- **DNA Databank Interface:** The Adult Probation Department won an "Innovations Award" from the Arizona Criminal Justice Commission for its web-based DNA databank interface.
- **Global satellite positioning (GPS)** technology used by the Pretrial Services Agency to further secure electronic monitoring of defendants released in the community.
- **Partnership between the Public Defender and County Attorney Offices** regarding case management systems that utilize a common foundation to then be tailored by each agency for their unique needs.

The challenge to implementing these interagency projects is in achieving consensus among independent and often competing criminal justice agencies. There have been few criminal justice systems in the country that have attempted to integrate data. Thus far in Phase I of the project, ICJIS has installed an integration engine, established a secure network backbone, adopted security policies, facilitated adoption of convergent architectural standards among the agencies, implemented a common code table, and established data exchanges between criminal justice agencies through the integration engine.

A significant early win in the project has been to centralize assigning case numbers. As of January 2003, felony cases have been assigned a **Common Case Number** regardless of the origin of the filing. The common case number allows more exact tracking of cases and defendants and shares information between the Justice and Superior Courts and with the County Attorney, Public Defender, Probation, and the Sheriff's Office. This change has long been necessary yet difficult to accomplish. Technology made it possible.

As a result of a performance audit conducted during 2002, ICJIS has implemented organizational and procedural changes to increase project controls and more accurately measure benefits.

Superior Court converted to a new management information system (iCIS) which allows quicker access to, and more sophisticated management of, case activity

Beginning in March 2003, access to court-based case status information measurably increased. The **Integrated Court Information System (iCIS)** converted the Superior Court Criminal Department computer operations from two distinct systems to a single one. This new system required changes in business processing throughout criminal court, causing short-term data entry challenges. Monthly reports are now available more quickly than ever before (within 14 days of the close of the month). This helps system partners assess and address issues as they arise.

The Clerk of the Superior Court continues to roll-out innovations in management of court record materials, with document imaging and electronic transmission

Implementing an **Electronic Document Management System (EDMS)** will revolutionize how the court does business. One of the most critical, long-term objectives of the Clerk's Office has been to develop a more effective and efficient means of supporting the operations of Superior Court, by integrating the use of electronic documents and images with the paper record. Court records will be accessible remotely and simultaneously, with workflow and document routing automated to maximize the efficiency of court operations.

In January 2002 the office began scanning documents filed for criminal, civil, family court, mental health, and tax case types (Probate documents have been scanned since December 1997). The Office is building the repository of images, which at present contains over 3.5 million documents, with the number of users expanded to more than 400 Court and Clerk's Office personnel. Efforts are now underway to develop automated workflows to route electronic documents throughout the Office, and a public access and print module is being tested for deployment at the Customer Service Center by the end of 2003. Also, the Office launched a pilot project for complex civil litigation cases that allows participants to electronically file their documents with the Clerk, and enable the Court and Clerk's Office to electronically route the documents and correspond with the parties.

Another service vital to functioning of the legal system is preparing and delivering court rulings and orders, referred to as **Minute Entries**. Agency staff continue to develop a system that electronically delivers Minute Entries on adult cases directly to a law office or agency's e-mail address, at no charge, as soon as the information is available. The Clerk's Office also delivers Minute Entries on juvenile cases via an automated system to the Attorney General, Department of Economic Security, Foster Care Review Board, and other organizations.

The Clerk's Office played a major roll with other members of the justice system to develop and implement the **Common Case Number**, noted in the prior section. For all criminal cases beginning January 2003, use of the CCN will allow more accurate disposition reporting and fee collection and disbursement. It will also simplify processing of each record on appeal, and separates case files for multiple defendants.

The Clerk's Office also implemented new computer language that reduces the amount of redundant data entry for the **Criminal Financial Obligations** unit. This language (extensible markup language) pulls specific data from criminal minute entries and automatically integrates the data CFO records. One of the benefits of this initiative is that it can also feed data directly into iCIS for statistical reporting and other uses.

A PROACTIVE APPROACH: THERAPEUTIC JURISPRUDENCE

As noted on page 20, therapeutic jurisprudence espouses that a justice system consider and aid in addressing underlying causes of disharmony, to improve the community quality of life and reduce the demand for costly justice services. For much of the family and criminal court caseloads, devoting resources to determine and address root causes increases the potential that court intervention and accountability will succeed in both the short and long term.

Trial and error is a necessary facet for developing these programs. Many efforts, such as substance abuse treatment, require pilot programs and measuring outcomes. This allows agencies to evaluate program success or the lack thereof, modify procedures to improve the likelihood for positive results, or discontinue an effort with underperforming results.

Many of the initiatives within Proposition 400 (jail tax) have therapeutic qualities. In particular the model used for the Maricopa Drug Court (on page 30) is a prime example of the potential process and gain from these programs.

Although the term 'therapeutic jurisprudence' originated in mental health law, it was quickly adopted for other case types, most fully in relation to family matters, becoming instrumental in shaping the policies and procedures for how to resolve family legal matters. Extending a therapeutic approach to criminal justice has a significant potential for taxpayer savings. Within Maricopa County, juvenile justice practices to-date best typify therapeutic programming. Therefore, the majority of this section will be devoted to these recent and successful efforts, after a brief sampling of other related criminal justice programs (which will be discussed in greater detail in future reports).

Virtually all partners in the criminal justice system develop or support programs which attempt to address root causes of criminal behavior

Through these efforts agencies strive to slow the growth in demands for costly justice services. The following is a sample of programs instituted by or through the Maricopa criminal justice agencies that have therapeutic justice ambitions. These programs will be studied in greater detail in future reports. In the meantime, please contact each agency for more information.

County Attorney's Office

- Check Enforcement Program: those who write bad checks may avoid formal prosecution if they pay the full price of the check plus an assessment. Failure will result in the filing of criminal charges, which can lead to fines, probation, and possibly jail time. In 2002, the program returned nearly \$1,821,000 in restitution to victims.
- Drug Diversion Programs where prosecution and treatment coexist. If those eligible complete the treatment successfully, no criminal charges are filed.
- Juvenile Drug Diversion Program in cooperation with the Juvenile Probation Department, striving to reduce drug use among youth.
- RICO Community Grants allocated by the Office provide funding for over 20 programs, including after school and drug education programs, community improvement, prevention coalitions, and non-profit organizations.

Indigent Representation

- The Public Defender's Initial Assessment Project aims to reduce recidivism by learning about a defendant's psychosocial profile and any extra-legal issues that impact his/her behavior. This deals with mental health, substance abuse, family issues, medical and educational histories.
- The Public Defender's Office was selected by New York University Law School's Brennan Center for Justice, to participate in a two-year grant funded "Community Oriented Defender Network." The Public Defender is one of only eight offices across the nation chosen to participate in this effort, which is focused on addressing root causes and promoting reduced recidivism.

Juvenile Court and Probation

- Residential Treatment Facility: a Youth Recovery Academy for substance abusing juveniles. Presently half (24) of the beds are utilized in the facility, recently constructed as a Proposition 400 project.
- Families In Need of Services (FINS) Program addresses the federal mandate to de-institutionalize status offenders, and provides intervention to families without requiring formal court action.
- Juvenile Drug Court: similar to the adult model, the program has been evaluated and adjusted to optimize potential for positive results.

Sheriff's Office programs for in-custody defendants

- Alpha is a six-month substance abuse treatment program for sentenced offenders, to take advantage of the defendant's in-jail status. Goals are that inmates stop using, discontinue criminal behavior, and never return to jail. There are also particular substance abuse treatment programs available to the general inmate population (such as Alcoholics Anonymous meetings).
- Girl Scouts Beyond Bars, bringing together jailed females and their daughters.
- SMART Tents, a 24-hour field trip where students are treated as inmates.
- Courses to help improve an inmate's behavior upon release on such topics as: anger management, preventing domestic violence, assertiveness training, tax information, how to start a legal business, cognitive restructuring, community resources for fathers, using business machines, health education, having healthy relationships, early pregnancy preparation, responsible fathering.
- Courses to help improve the employability of inmates, such as: GED training and testing, employment readiness training, reading a book to their children on cassette tape, special education for any qualified inmate up to age 22, in partnership with the Elections Department prepare voting materials for mailings, partnership with St. Joseph the Worker to link low-income inmates with employment upon release.

Superior Court and the Adult Probation Department

- Drug Court: two of the most well-established drug courts in the nation, using a system of rewards and sanctions to instill accountability in offenders. Those sentenced to this court encounter a team approach with the judge, attorneys, probation officers, and treatment counselors, all working together toward rehabilitation (see page 30).
- Early Disposition Court for defendants charged with low-level drug offenses.
- The Reach-Out Program assesses jailed, non-violent probationers with substance abuse problems to determine their level of treatment need.
- Juvenile Transferred Youth Offender Program, responding to the difficulty in addressing needs of juveniles in the adult criminal justice system.
- Drug Treatment and Education Fund supports education and treatment services for probationers, in FY03 funding treatment for an average daily probation caseload of 1,366.

JUVENILE JUSTICE: A SUCCESS STORY

The goal to reduce the need for court intervention is most prominent in Maricopa County relating to the juvenile delinquency population. This component of the justice system is where agencies take the opportunity to influence the choices children make, with many of these 'children' among the most troubled teenagers in the region. Information in this section continues the discussion of juvenile activity seen on pages 7, 14, 15.

All programs and adjudication in Juvenile Court and Probation have the essence of therapeutic jurisprudence at their core

The Juvenile Probation Department provides information, services, and programs to county residents so they can solve problems associated with juvenile crime. For delinquency cases, juvenile probation officers suggest appropriate consequences for the juvenile's behavior and what programs would be appropriate for the juvenile's rehabilitation. The probation element then administers community-based prevention programs, formal diversion in collaboration with the court and County Attorney, and Community Justice Centers and committees. Supervision and detention is utilized to protect the community and the juvenile, and to help the juvenile correct behavioral problems.

From the first interaction of the court with a juvenile, efforts are multi-faceted to discern: current issues, underlying problems, circumstances of the family that may be contributing to delinquency, strengths of the family that may support positive change, and how court resources may be applied to most constructively impact the youth. This individualized response has a higher potential for positive results.

Particularly in this highly mobilized region, risk factors for youth are considerable. Additional family stresses are imposed by relocation, which may result in economic and or mental health difficulties. Traditional support systems are strained or nonexistent. The juvenile justice system attempts to then help bolster community protective factors to offset support that may be lacking for a youth.

The Maricopa Juvenile Court attempts to address these changes in the population base by targeting services to families in need. Services include conciliation, mediation, diversion of youth to appropriate treatment, and Drug Court with close judicial oversight of a youth.

The Juvenile Justice arena is the anomaly within Maricopa County, as there is no whole-sale pressure to grow government

A focus on the extended needs of youth coupled with targeted crime prevention efforts results in incidences of juvenile delinquency actually *decreasing*. Even while the population in the region continues to grow and risk factors are arguably increasing, this segment of the justice system is experiencing a *reduction* in caseloads. The only juvenile case-type seeing growth relates to dependency cases. Recent significant changes in dependency law and public policy have caused considerable increases in caseloads and workloads per case. See the *Dependency* section in *Changes & Challenges in Family Matters*, page 54.

The mission of the Juvenile Probation Department is to make a positive difference in the lives of juveniles and the community. Their vision is of a region where:

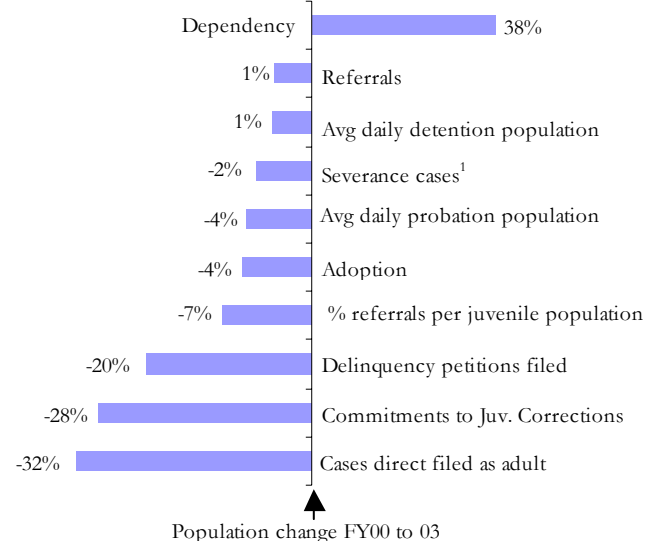
- juveniles who come into contact with the department become responsible citizens
- victims of juvenile crime are included throughout the process
- the public feels safe from crime committed by juveniles.

Juvenile Community Justice

- reduces risk
- repairs harm
- builds community

What is Outpacing Growth? Change in Juvenile Justice Factors FY00 to FY03

while the Maricopa County population grew 7.5%



¹since 1999 severance cases have been initiated by either petition or motion - this represents only those filed by petition

Maricopa Juvenile Data

Total Maricopa juvenile population since 1996

↑ 24%

Delinquency petitions filed

since FY 96 ↑ 18%

since FY 00 ↓ 16%

Detention since FY00 even

Probation since FY00

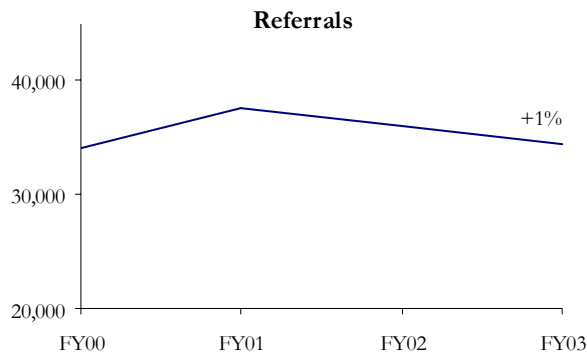
↓ 4%

compare with Arizona data on page 14

When examining referrals, the data show that rates for all felony-level offense types have declined over the past five years. These figures *include* cases that are subsequently filed into adult court. Therefore, the reduction in referrals and petitions is *not* due to some cases shifted for prosecution as an adult.

The Maricopa County proportion of juvenile referrals statewide is down to 49.7%, while the Maricopa proportion of the total population continues at 61%. As is seen in the table below, the most common offense referred to Juvenile Court is truancy, which is not a delinquency offense. Referrals regarding a child skipping school, running away from home, or violating curfew are all categorized as “incorrigibility.” Delinquency relates only to those offenses that if committed by an adult would be classified as a crime.

Since 1995, the population growth in the region led to a 37% increase in juvenile delinquency petitions in Maricopa County. Yet when studying more recent activity, delinquency is on the decline.



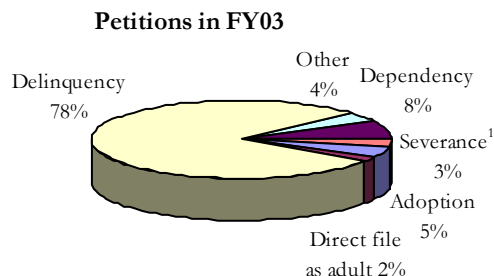
Most Common Offenses (in referrals)

	FY99	FY03	% CHG
Truancy ¹	2,350	4,064	73%
Shoplifting - misdemeanor	4,344	3,450	-21%
Violation of probation	3,136	3,317	6%
Alcohol	1,750	2,785	59%
Traffic violation ²	892	2,581	189%
Curfew	4,469	2,415	-46%
Possession of marijuana	1,663	1,408	-15%
Assault - domestic violence	905	1,095	21%
Assault - simple	1,178	1,090	-7%
Runaway	833	807	-3%

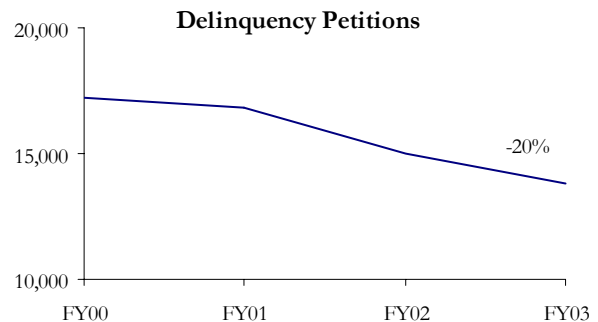
¹in 1999 Juvenile Probation linked with schools and parents to aggressively prevent and report truancy problems

²referral procedures for traffic offenses changed in 1997, to be reported first to the Juvenile Court and subsequently filed in municipal or justice courts if that jurisdiction has agreed to file these cases

Beginning in 1999, severance cases could be initiated by either a petition or motion. Petitions generally represent a new case. Motions generally represent a dependency case in which DES (usually) is seeking to sever parental rights and place the juvenile up for adoption. For a fuller discussion of dependency cases and the systemwide impact see the *Dependency* section in *Changes and Challenges in Family Matters* (page 54).

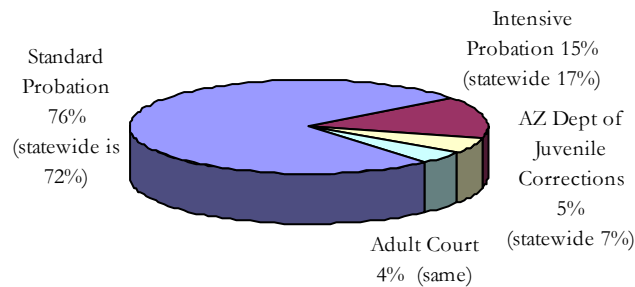


¹ indicates both petitions and motions for severance, which are typically dependency cases where DES is seeking to sever parental rights



The chart below shows that dispositions within Maricopa County are slightly more frequent for standard probation than the statewide average, while rates of intensive probation and commitments to Juvenile Corrections are slightly less than statewide.

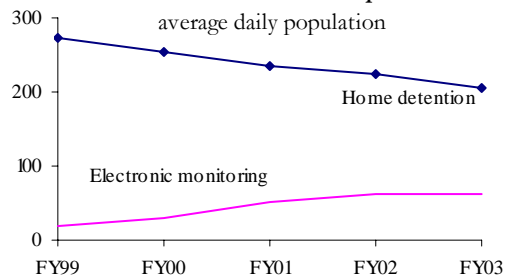
Disposition of Cases FY03



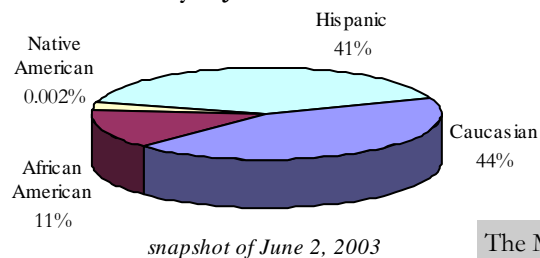
Approximately 5% of the total juvenile population in the region (between 8 and 17) are referred at least once to the Juvenile Court.

While the juvenile justice system has seen improvement and modest changes in caseloads, the detention facilities have operated above-capacity for several years. In 1998, Proposition 400 provided funding for 388 new juvenile detention beds. Construction of the new facilities at both the Durango and Southeast complexes will be completed in the current fiscal year. Meanwhile, home detention and electronic monitoring provide meaningful alternatives to traditional detention. Proposition 400 addressed the need for up to 150 units of electronic monitoring to provide a more rigorous community supervision alternative to detention.

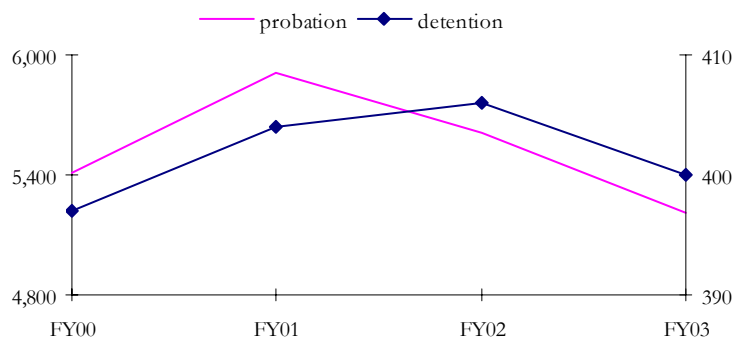
Alternative Detention Options



Ethnicity of Juveniles Detained



**Probation & Detention
average daily populations**



The Maricopa Juvenile Probation Department forms working partnerships with agencies and community groups to **promote public safety**, i.e., police, Sheriff, Department of Public Safety, Department of Juvenile Corrections, County Attorney, Public Defender, community groups, schools, etc. In addition to establishing partners in the community, the agency **contributes to public safety** through:

- community and neighborhood supervision of probationers (not office based)
- strong and consistent enforcement of probation conditions
- quick response to violations.

For juveniles as well as adults, behavioral health issues are found to be at the root of much criminal activity. Part of Proposition 400 addressed this need in both the adult and juvenile systems. Therefore a 48-bed Residential Treatment Center was constructed at the Juvenile Durango Complex. Presently one-half of the facility is operational, with the additional 24-bed section to be open when funded.

JUVENILE CRIME PREVENTION

The county mandate related to criminal justice is reactive, yet it has been proven that a proactive approach can prevent future criminal behavior

Disturbing reports on the increased fiscal and personal costs of crime have led to questions on how to curb crime and the high incarceration rates it brings. Justice and law enforcement officials are increasingly recognizing a public demand for crime reduction and the enormous costs associated with stopping crime at the back-end. Front-end solutions reduce overall government costs, reduce community harm, and improve the overall quality of life.

“Stopping crime by building more prisons is like trying to cure death by building more cemeteries.”

-Marc Klaas, father of
Polly Klaas (see appendix)

Maricopa County is committed to promoting attitudes, activities, and behaviors that create and maintain safe and vital communities where crime and delinquency cannot flourish. These notions are then integrated into the traditional roles of the justice system to supervise, intervene, and sanction offenders. This is best accomplished through partnerships among government, the private sector, and community groups.

Crime prevention need not equate to being “soft on crime” or taking a more lax approach toward those who have committed crimes. Rather, it recognizes that crime reduction must marry prevention with increased justice system effectiveness in intervening immediately and effectively in the lives of the offenders.

A fundamental principal in the justice environment is that exposure to multiple risk factors leads individuals to crime unless they are exposed to protective factors. So crime prevention may be achieved if a community:

- identifies and reduces family, community, and individual risk factors (such as substance abuse and truancy)
- increases protective factors (such as substance abuse prevention/treatment services, after-school programs).

Goals related to crime prevention must recognize that results may be realized only in the long-term, reducing future crime rates. Yet intervention efforts may realize early returns on investments. Maricopa efforts to-date have been initially targeted to the 2% of the residents in the region who are already part of the criminal justice system, to try to lessen the risk that these persons will reoffend.

It costs more to react to a criminal offense than to prevent the crime from happening in the first place

While crime is generally lower now than a few years ago, each criminal event harms the economy and quality of life in the region. Maricopa County will spend over \$477 million this year for the justice system, with trends showing an increase of 15% since FY00. The cost of the detention expansion program is more than \$500 million, and county costs to operate the new facilities are estimated at more than \$100 million each year. Increases in population will require further increases in justice services and associated costs, unless the demand for those services may be nipped. Even if there were unlimited public dollars available, experts note that a locale “cannot build its way out of the problem.”

Therefore crime prevention remains the most cost-effective long-term strategy to mitigate justice system cost increases

While few would argue that investments in the front-end of the system avoid higher costs at the back-end, a lingering issue is how to effectively measure the actual benefit of crime prevention programs.

It is difficult to prove a nonoccurrence (that a program did indeed prevent a crime from occurring). Yet programs in Maricopa and other regions are beginning to produce multi-year performance measures that can objectively demonstrate reduced crime in areas targeted with prevention or intervention efforts. In 2002, the Washington State Institute for Public Policy stated that multi-systemic therapy saved \$13.36 for every dollar invested, while Functional Family Therapy demonstrated a savings of \$6.81 per dollar.

In their Juvenile Offenders and Victims: 1999 National Report, the Office of Juvenile Justice Delinquency Prevention developed an invoice for the American public on the cost of one lost youth. Adapted from Mark Cohen's article "The monetary value of saving a high-risk youth," (published in the *Journal of Quantitative Criminology*, 14(1)) the invoice provides line-item costs for a juvenile choosing a criminal career, with that manifesting into drug abuse and dropping out of high school. Costs are itemized for not only costs to the criminal justice system but also costs to the victims, offender productivity loss, lost wages, and subsidized social services. The total loss is estimated at \$2.2 to \$3 million per youth. Dollars necessary to cover future public costs of the youth's behavior range from \$1.7 to \$2.3 million.

Applying objective performance measures will continue to be a factor for any programming. This 'proves the case' for crime prevention, beyond intuitive conclusions. This data will remain necessary as governments struggle to fund mandated services, let alone discretionary programs, even when those programs may dilute demand for mandated functions.

Maricopa County has been taking steps toward crime prevention since the mid-1990s

Several of the system partners have dedicated resources to varying attempts at encouraging law-abiding citizenship. The County Attorney's Office and Sheriff's Office both sponsor a number of programs (see pages 35, 36 for a sampling). The bulk of effort to-date has taken place in the juvenile arena.

Early efforts of the Juvenile Court and the Juvenile Probation Department focused on truancy prevention, after school programs, substance abuse treatment and prevention, parenting education, and GED education. Outreach efforts began in 1995 by establishing Community Advisory Boards. In 1996 the agency was awarded a Safe Schools grant. In 1997, the Board of Supervisors first allocated funds specific to crime prevention. A regional discussion took place in 1998 to study root causes and regional solutions related to violence prevention. Since that time, Juvenile Probation has targeted truancy prevention and other school and community-based solutions each year and partnered with municipalities to share databanks on juveniles and offenses. Juvenile Probation also manages an expanded investment in prevention through community partners, evaluates results of those efforts, institutes programs for intervention with status offender families, and helps carry-out the federally funded SAFETY program (Schools Are For Education, noT worry).

This latter effort focused on preventing school violence. Helpful products of this grant included the "2002 School Safety Calendar," offering parenting tips and featuring children's art, poetry, and essays. A series of videos were also developed in both English and Spanish, titled Fight Back with Love: Every Adult has a Responsibility to Prevent Bullying. The video features testimonials from local students and educational professionals. Videos and materials were supplied to every school in the region, free of charge.

The Maricopa Juvenile Probation Department is a **"community justice agency."** The American Probation and Parole Association defines "community justice" as: "A strategic method of crime reduction and prevention, which builds or enhances partnerships within communities." (2000)

Other Juvenile Probation programs related to crime prevention include:

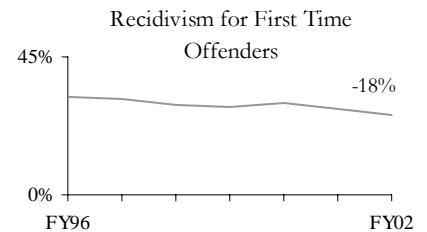
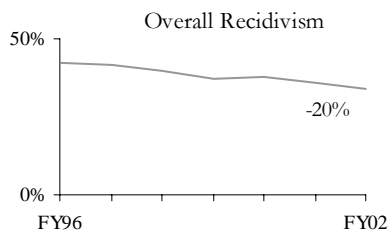
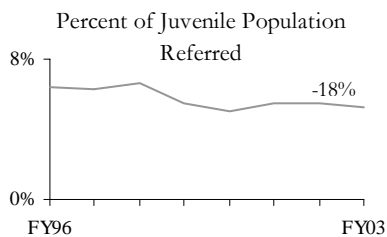
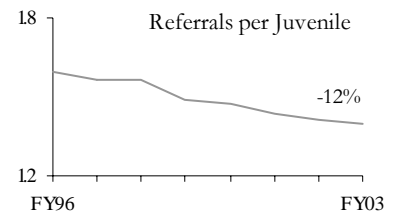
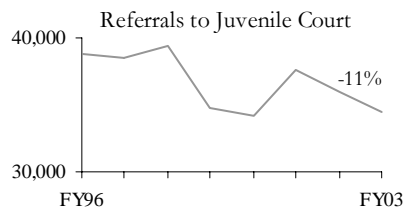
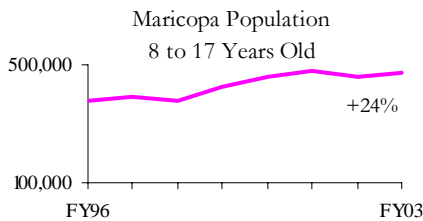
- Functional Family Therapy
- Multi-systemic Therapy
- After School Programs
- Court Unified Truancy Suppression
- Drug Diversion
- Teen Courts
- linking with community-based organizations and service providers, such as:
 - First Step/Step Ahead (early intervention for at-risk youth)
 - PRYDE (YMCA partnership)
 - Chicanos Por la Casa
 - Valle del Sol.

Since 1995, prevention efforts have been tried, improved, changed. Juvenile Probation has realized the greatest gains when integrating crime prevention initiatives with traditional criminal justice services. Their data system also allows for improved analysis and reflects positive trends.

While the overall juvenile population in the region increased 24% since 1996, the number of delinquency referrals, the rate of referrals, and recidivism rates are all down . . .

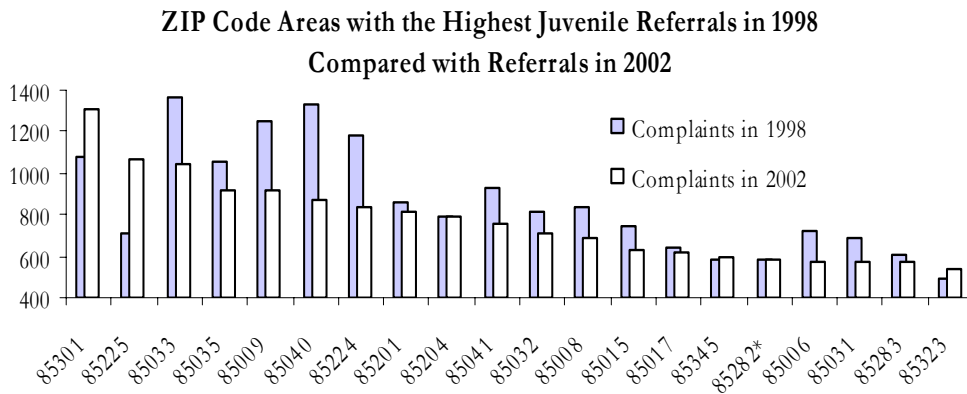
. . . with a particularly significant decrease in violent crime referrals. Both the number and rate of referrals (citations) are down. This success has occurred with only limited collaboration and funding for crime prevention.

The number of referrals dropped considerably in 1999, due at least in part to prevention efforts. As the regional population increased in 2000 and 2001 so did referrals, but not to the pre-1999 level.



One crime prevention program, the “Zip Code Project,” demonstrates substantial success in targeted areas

This program targets geographic areas that generate the highest number of referrals to Juvenile Court. Recidivism rates have dropped from 42% in FY96 to 34% in FY02. After the first year of this program’s investment in community partnerships, the Office of Management and Budget estimated the resulting long-term cost avoidance at \$6.7 million.



Crime is more than a government problem

The juvenile justice arena views crime prevention to be in its best interest, so integrates crime prevention with traditional government services. But historically, this is a service area in which governments have been only marginally invested. In order to realize region-wide improvement in the quality of life, levels of government are now linking together and partnering with social services, faith-based organizations, and other entities. At present there are numerous programs throughout the region aimed at reducing recidivism and changing criminal behaviors, administered by various agencies. A pooling of these resources will allow collaboration in planning, funding, and delivering services.

As of November 2003 a Crime Prevention Regional Council is established, led by Maricopa County

Many large metropolitan counties have used this approach to combat crime and have shown improvements, especially with juvenile populations. The national Office of Juvenile Justice Delinquency Prevention has assisted numerous counties in implementing their comprehensive strategy for juvenile offenders. This successful model includes assessing risk factors that lead to criminal behavior and balancing them with protective factors.

This Crime Prevention Regional Council will include representatives across the spectrum of who might positively impact youth: agencies dealing with criminal justice, mental health, substance abuse, youth, law enforcement, faith-based, legal aid, schools, funding agencies, and public health.

The expected results are: safer communities, reduced felonies, reduced recidivism, and reduced cost of crime to taxpayers. The Regional Council will develop a crime prevention plan around this model, initial thoughts for which have been provided by Maricopa County. Though the plan will be regional in scope, strategies will be targeted toward specific communities with high criminal activity. In this fashion, agencies may share and integrate data and service delivery, and real progress may be documented. By this time next year, Maricopa County hopes to report successes of this public/private collaborative effort.

“Courts and community partners need to invest in the future, while addressing the challenges of today.”

-Honorable Emmet J. Ronan, Presiding Juvenile Court judge

Changes and Challenges in Family Matters

While the criminal justice arena consumes considerable government resources, it is with the family justice component that more individuals interact. These matters involve divorce, child custody issues, spousal maintenance (alimony), and property divisions. They are also frequently complicated by allegations of criminal behavior by one of the parties or the dependent children, including domestic violence issues, substance abuse problems, or children “acting out.”

Family matters are challenging in any region, at any time, for a variety of reasons:

- the changing nature and definition of a family unit
- most litigants are self-represented, so parties require a lot of assistance
- the volatile nature of family-related disputes
- allegations of criminal behavior, like domestic violence or substance abuse
- cases involving children “never end.” On-going disputes can lead to multiple filings.

What changed between 1960 and 2000?

Adults are less likely to marry and more likely to divorce. Court filings are up significantly for paternity and post-divorce matters.

THE PROBLEM: CONDITIONS UNDER WHICH WE OPERATE

The nature and definition of a family has changed significantly over the past several decades, changing the type of issues before the court

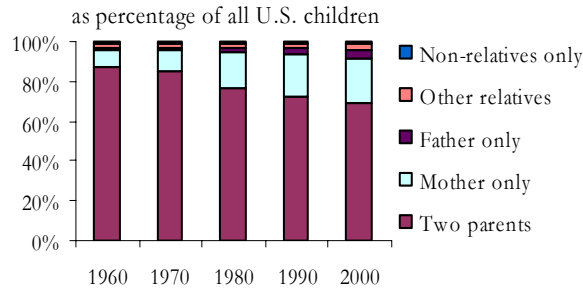
While the majority of adults in this country are married, the number of men and women over age 15 who are married has decreased from 68% in 1960 to 56% in 2000. Over the same period, the proportion of men and women who are divorced increased from 2% to 9%. In other words, even though Americans are less likely to be married, once married, they are more likely to divorce than they were in 1960.

Americans are marrying later in life and having fewer children. The proportion of blended families (step-families) has also increased. The change in the lives of children is significant. While most children still live in two-parent households with at least one legal parent and a spouse, this share fell from 88% in 1960 to 69% in 2002.

The number of children living in a single parent household has increased from 9% in 1960 to 27% in 2000, yet it is difficult to determine how many of the single parents are truly raising the children alone. Census Bureau data indicates that 44% of the children living with a single parent were also living with a co-habiting partner. The extent to which co-habiting partners are involved in child rearing is not established.

Children are increasingly dependant upon grandparents for housing. National data from 2002 indicates that 8% of all children were living in a household with a grandparent present. Sixty-five percent of children living with a grandparent also had at least one parent present in the household.

Living Arrangements of Children



Two parent households are defined as those with at least one legal parent and a spouse of that parent. It does not mean both parents are biologically and/or legally parents of the child(ren).

“From 1970 to 2000 the proportion of the population made up by married couples with children decreased and the proportion of single mothers increased.”

-America's Families and Living Arrangements: 2000, US Census Bureau

All these factors combine to shape a ‘family unit’ that is much different today than in the past. These changes in family composition become more dramatic in a highly mobile environment such as Maricopa County. With relocation comes many stressors to compound family problems that might push them to crisis. Additionally, this mobility itself taxes litigants and courts, since persons may move from the jurisdiction where a divorce was adjudicated, yet continue to need post-decree matters brought before that court.

In Arizona in 2002, 59,208 children (5.6%) lived with a grandparent.

The Family Unit

	1960	2000
persons age 15 and over who are married	68%	56%
persons divorced	2%	9%
children living in two-parent households (at least 1 legal parent and a spouse)	88%	69%
two-parent households where both parents work	59% (1986)	67% (2002)
children living in a single parent household	9%	27%
-the proportion of those also living with a co-habiting partner of parent	N/A	44%
children living in a grandparent's household	3% (1970)	5% (2002)

These changes in the lives of families result in differing demands on the domestic relations justice system. Ramifications of these changes include increases in paternity cases and *in loco parentis* (in place of the parent) cases. With fewer marriages and more co-habiting couples, paternity and related support issues are increasing. Similarly, with more blended families and increased involvement of grandparents or other interested parties, legal matters arise that trigger *in loco parentis* cases.

source of information on pages 46 and 47 is the US Census Bureau

Criminal [court] is where you find bad people on their best behavior, and Family [court] is where you find good people on their worst behavior.

- axiom voiced by judges

The following hypothetical example shows the myriad of issues that regularly surface in these cases:

A wife may be in court seeking an order of protection, alleging that her husband is stalking/abusing her because he is angry about the property she is requesting in their pending divorce, and that she is seeking sole custody of their children. The husband may allege that the wife is an alcoholic who is abusing the children. The children are then upset by their parents' divorce and act out in school. The oldest child is cutting classes and now has an incorrigibility charge in Juvenile Court for failing to attend school.

Between 65-72% of parties in a domestic relations case proceed without counsel, requiring more assistance from the court

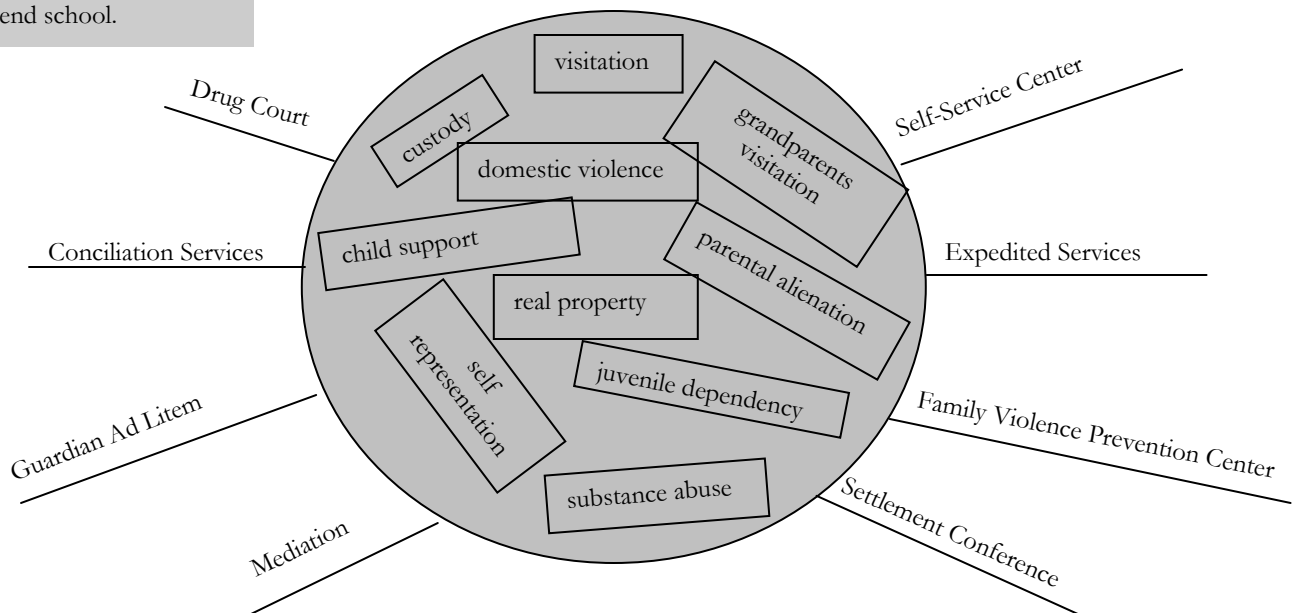
In Maricopa County, the estimate of self-represented parties is close to the national average. For each of the approximately 30,000 new cases filed each year, there are multiple parties requiring some level of assistance. Judicial divisions that are required to serve the needs of families typically need more staff than other departments. Additional positions may include case coordinators, staff assigned to liaison with human service agencies, family violence coordinators, CASAs, and guardians ad litem. (Flango & Ostrom, 1997)

Since these cases litigate private matters in a public and formal process, emotions run high and inhibit smooth resolutions

Without legal counsel to filter the emotions, contentiousness is a regular part of family court proceedings. In cases with children, continued contact between the divorced parents allows on-going emotional disputes. At any given time in the Maricopa County Superior Court's Family Court Department, there are more than 4,500 active cases listed as 'high-conflict.' In most instances, such is due to one party filing an order of protection.

The inherent difficulties of family court matters and the additional complicating factors increase the demand for resources, programs, and social services. Often families have inter-related complications and even multiple court matters. During this volatile time period, the family may have contact with multiple judicial officers and staff members to address the myriad of court matters and associated problems. For these reasons, efforts are underway to design court functions so that they may integrate these matters before a single judicial officer (see page 52).

Family Court challenges and related services



The items within the circle show some of the issues that can make family-related cases complex. The traditional legal process is limited and linear. The courts have learned there will be repeat business unless the totality of family issues is addressed. Services noted outside the circle are established to help address the complicated and interrelated issues.

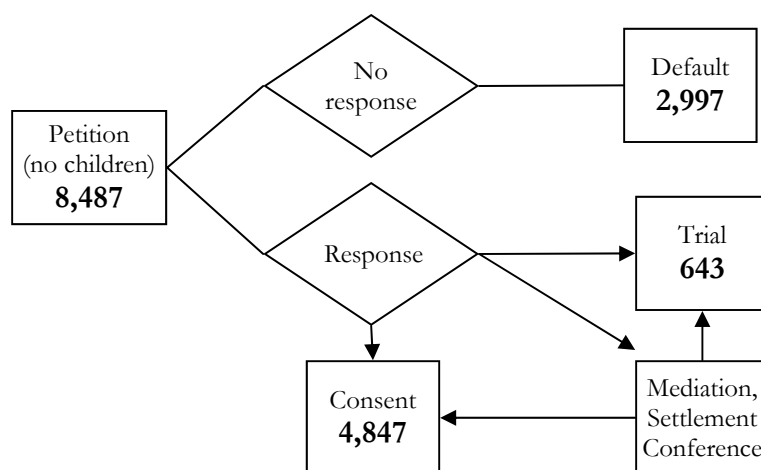
Allegations of criminal behavior, such as substance abuse or domestic violence, further complicate these cases

Domestic violence occurs at a significant rate throughout the country and can be the cause of, or a problem with, domestic relations cases. In 1996, nearly one-sixth of all domestic relations cases contained some level of domestic violence (Ostrom & Kauder, 1997). In Arizona, domestic violence allegations appear in 18% of the family court cases. In Maricopa County, domestic violence affects approximately 17% of active family court cases (4,496 cases). Arizona ranks 20th in the nation for domestic violence as a rate per 100,000 population. (see sidebar on Family Violence Prevention Center, page 50)

Many domestic relations matters also include allegations of substance abuse by one or more of the parties. There were allegations of parental substance abuse in nearly 15% of the 17,000 family court pre- and post-decree matters in Maricopa in FY03. Data from Child Protective Services also indicate that in Maricopa County, substance abuse was a contributing factor in the maltreatment of children in 55% of the dependency cases (data for FY00). This information suggests that an integration of treatment and judicial services may be warranted.

Maricopa Superior Court instituted a Family Drug Court, to coordinate judicial and treatment intervention to produce sober parents and create stability for children. This is a voluntary program that recognizes the dual nature of these cases. With judicial oversight focused on the health, safety, and welfare of the children, agencies design opportunities for parents to receive treatment and help with case management. This Court operates on a system of phases that clearly depict the milestones and expectations of the program. Like Drug Court in the criminal department, a case staffing system is in place to gather input from the interdisciplinary team and make case and treatment decisions with the highest probability for the defendants to succeed (see sidebar on *Family Drug Court*, page 51).

Divorces without children in Maricopa County



National Domestic Violence Facts

Nearly one-third of American women report being sexually and/or physically assaulted by a current or former boyfriend at some point in their lives.

*-The Commonwealth Fund,
"Health Concerns Across a
Woman's Lifespan" May
1999*

National estimates indicate that one in five women abused, stalked, or sexually assaulted obtain an order of protection.

*-American Journal of Pre-
vention Medicine 2003, p 23*

National cases 1985 to 1996
↑ 216%

National cases 1996 to 2001
↑ 16%

Arizona Cases 1996 to 2001
↑ 18%

Dissolutions with children are more complicated, more time consuming, more emotional, and cause 90% of the post-divorce workload

Approximately half the dissolutions involve children. With children involved, custody, parenting time, and child support all become court issues. As the chart below demonstrates, the initial dissolution process is more involved with the presence of children.

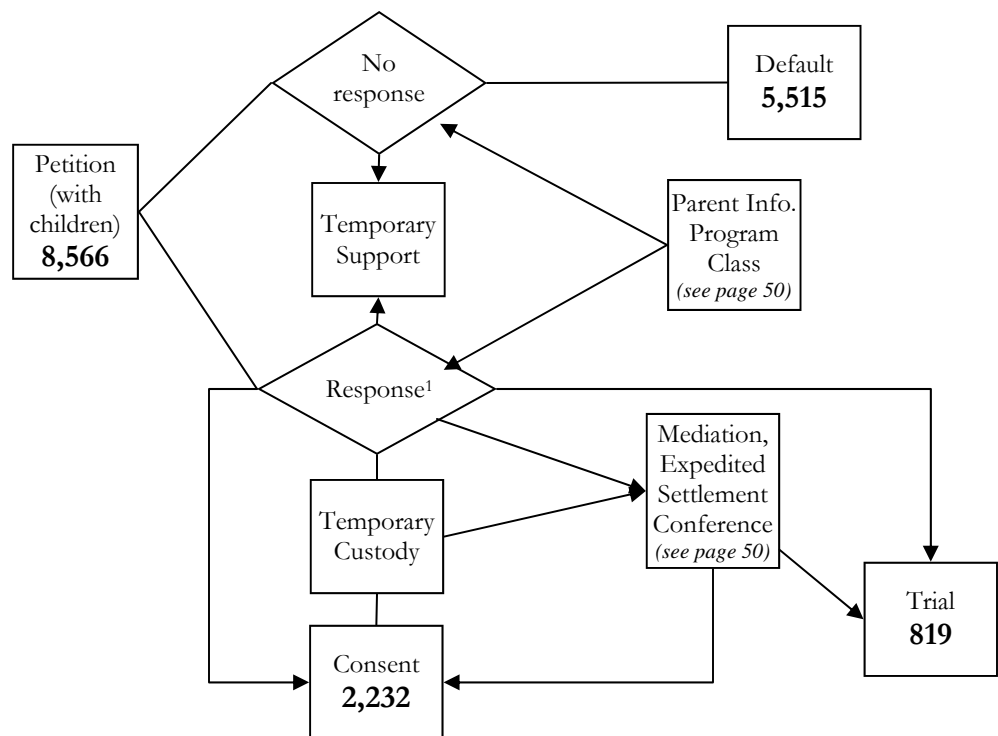
Half the divorces involve children, and those cases never end

Domestic relations cases are open until the youngest child of the couple turns eighteen. These cases can become active at any time when either parent files a post-decree petition for modification. Child support and parenting time are the most common modification issues in post-decree matters. Post-decree filings occur regularly as the needs of the child or the financial status of the parents changes.

It is difficult to solve problems of the heart with the law.

- Court axiom

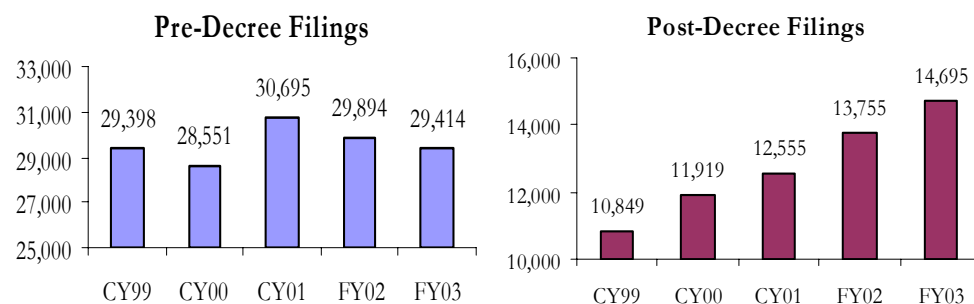
Divorces involving children in Maricopa County



¹if either party files for conciliation counseling, that process stays further action on the case for sixty days (see page 52)

Although the number of new cases in Maricopa County Family Court has remained flat, post-decree activity has increased dramatically

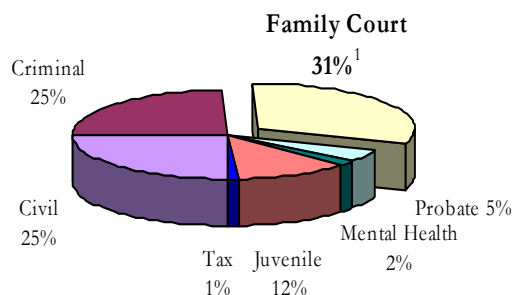
The graphic on the previous page depicts only the original dissolution. The real influx of cases and workload comes from post-decree filings, matters of dispute after the parents have already divorced. Issues of dispute can be custody, parenting plan disagreements, and amounts owing in child support and spousal maintenance. Post-decree filings have recently accounted for 33% of the Family Court filings in Maricopa County (a third of the total numbers, but often a higher proportion of the work due to complexities). These matters are also less successfully resolved with traditional alternative dispute resolution techniques, particularly since most parties are not knowledgeable on related law.



"Family Court cases may last for long periods of time and some seem never to end. A number of factors contribute to this phenomenon including the emotionality of the disputes, and that the Court retains jurisdiction in these cases as long as there are orders in place effecting minor children, child support, or spousal maintenance."

-Honorable Mark W. Armstrong, Presiding Family Court judge

When including post-decree matters in filing data, the Family Court in Maricopa County comprises 31% of the total judicial workload, up from 23% of new filings.



¹ Family court here includes post-decree filings of 14,695

Post-decree matters in Maricopa County Superior Court . . .

. . . total over 14,000 filings annually (just under the 17,000 new filings).

. . . consume 60% to 80% of the court's time.

One challenge throughout the nation is inconsistency in how family-related court issues are reported, making it difficult to compare and contrast efforts and trends

"Differences in reporting practices impact the comparability of domestic relations data across states and over time. This lack of consistent reporting practices makes it difficult to accurately differentiate the types of domestic relations cases processed. . . . Variations in state reporting practices call for uniform data collection" (*Examining the Work of State Courts*, 2002, p 33). An example is where modification hearings are required, such as related to child custody; some jurisdictions report this as a new case while others record it as a post-decree matter on an older case. In this latter example, that post-decree matter may or may not be formally counted as part of the overall caseload of the agency. With many jurisdictions, including Maricopa County, such is not counted in the caseload.

What is the Family Violence Prevention Center?

The mission of the Maricopa County Superior Court Family Violence Prevention Center is to provide prompt, efficient, comprehensive, and coordinated services to victims of domestic violence and their families, in a safe and supportive environment. The Center strives to help victims increase their ability to create safety for themselves and their children, and gain knowledge and skills that empower and equip them to meet their needs effectively.

Annually, the Center assists approximately 6,000 customers in filing Orders of Protection or Injunctions Against Harassment. Domestic violence advocacy services are offered to all customers, with approximately 2,000 (30%) utilizing the services. In addition to crisis counseling, information and referral, safety planning, assistance with court proceedings, and follow-up contact, the advocates offer to accompany the victims to court. Other activities performed by the advocate include lethality assessments, need assessments, supportive interviewing, assistance in accessing shelters or other temporary housing, assistance in obtaining basic needs, assistance in accessing legal resources, and developing goals and planning service needs.

THE COUNTY RESPONSE: WHAT IS BEING DONE TO MEET THE DEMAND?

Family Court efforts are targeted to help the litigants and allow the judicial officer to make a difference to that particular family

The overriding goals of judicial officers and staff are to:

- ensure that children are adequately supported financially and emotionally, including regular and meaningful time with both parents when possible and appropriate
- prevent domestic violence, protect the victims of domestic violence, and respond to the cause of domestic violence whenever possible and appropriate, and
- process cases fairly, promptly, and efficiently using non-adversarial means to the extent possible and appropriate.

Staff and judicial officers focus on the following principles to achieve the goals:

- “Do No Harm” to the family relationship
- make an easy exit upon the parties’ reconciliation and for prompt diversion to counseling to repair family relationships, if the parties are so inclined
- the litigants should be able to complete the proceeding within a reasonable time frame with the least number of trips to the courthouse, to avoid additional financial and emotional distress
- foster easily understood rules and procedures to allow efficient, common sense navigation through the process
- simplify pleadings, forms, and documents, and
- assess all cases early to eliminate unnecessary steps and procedures.

These customer-focused principles have the potential to reduce actual litigation through more amicable early resolutions. It is hoped that these efforts may even help reduce later post-decree litigation, by helping the litigants achieve a more satisfactory result initially.

A range of mandated and discretionary programs help resolve family matters quickly and with the most litigant agreement possible

Innovative projects, programs, and ancillary services are necessary to support and complement the judicial work on family court cases. The department strives to enhance existing programs as well as create new initiatives to meet the evolving and expanding needs of the community.

Conciliation Counseling – Mandated by ARS § 25.381.09

For cases involving annulment, dissolution, or legal separation, either spouse may petition the court for conciliation counseling to determine whether reconciliation is appropriate or if the parties would be better served by proceeding with legal action to terminate their relationship. Further action is then stayed for sixty days. In some cases, reconciliation is achieved and further court action avoided. In the majority of cases, legal proceedings resume but the parties are better equipped and informed on alternative dispute resolution and various means to minimize future family conflict.

Parent Information Program – Mandated by ARS § 25.351

A family’s primary means to resolve and reduce conflict and explore suitable alternatives to litigation begins with education. In any action for dissolution, legal separation, annulment, or paternity involving minor children, parties are mandated to attend the Parent Information Program (PIP). Instructors address the impact of divorce and the need for appropriate family restructuring. The PIP program educates families as to available services to help parents develop lasting and working agreements for their child(ren)’s care. It also explores the role of the court and inevitable judicial involvement where parties are unable to agree on family plans themselves.

Parental Conflict Resolution Class

This grant-funded initiative is intended for families showing high conflict or a pattern of re-litigation over issues involving the care and responsibility of their child(ren). Provided post-

decree, a four-hour class has been structured for parents caught in a cycle of high conflict and judicial intervention. Instructors emphasize parents' need to work toward resolution where possible, so as to avoid the damaging effects of sustained conflict on the child(ren). The enduring effects of this class on families have not yet been documented; however anecdotal evidence suggests that it impacts parents in a positive way and provides them with the knowledge and tools to break troublesome behavioral patterns and choose a more collaborative approach.

Early Post-Decree Conferences

In mid-January 2001, Conciliation Services instituted a pilot project for post-decree divorce cases with a high incidence of parental conflict and a history of frequent judicial intervention. In these cases, the court refers parents to a conciliator for a non-confidential joint conference. Initially, the counselor works with the parties to mediate differences and reach agreement on issues in dispute. If no agreement results, the counselor then issues recommendations to the court as to how the conflict should be resolved. Initial outcome indicators suggest positive results in promoting settlement and reducing case disposition rates.

Family Court Settlement Conferences

These are conducted primarily by volunteer judges *pro tem* in the later stages of litigation. Generally, settlement conferences are set at least six weeks prior to hearing/trial. The judicial officer uses mediation to resolve some or all of the issues to be tried. Full or partial agreements are reached in the majority of cases. In cases that do not settle, stipulations regarding evidence to be used at trial commonly result, a timesaving by-product for the court.

Family Support Center's Expedited Services

The Clerk of the Superior Court aids families by helping the Court implement orders for appropriate financial support and parenting time. The Office provides a neutral conference officer to assist the parties in reaching agreement and submits to the assigned judicial officer a written stipulation and order (or report) reflecting any agreements reached or recommendations made. The judicial officer may then approve or modify the agreements or recommendations. An order is then issued stating how the parties are expected to proceed. When appropriate, parties are referred to community agencies for further assistance with parenting issues.

CASA

The Court Appointed Special Advocate program (CASA) within Juvenile Court serves to recruit, train, and manage community volunteers who are assigned to dependency cases. Volunteers are typically assigned to one case and may serve one child or a group of siblings. CASAs advocate for the best interests of the children, submit reports to the court, and attend court hearings to represent those interests to the judge.

Because of the high rate of litigants without attorneys, a Self-Service Center was established by Superior Court in 1995, the first such program in the country

The self-help philosophy of the Self-Service Center provides much needed resources for people who represent themselves in court. Information is provided in family law, probate, and domestic violence cases, without jeopardizing the court's role as a neutral arbiter of justice for the community. Litigants may access forms and instructions geared specifically to people not familiar with court language or processes, and informs them of what they need to know to accomplish various court actions. Individuals are also linked to professionals in the community that can provide additional assistance in a way that is more accessible to most people.

Litigants may access the Self-Service Center and products through three courthouse locations, an automated telephone system (602-506-SELF), and a comprehensive website (www.superiorcourt.maricopa.gov/ssc). More than 70,000 persons used the services last fiscal year. The program has received numerous national awards for innovation and is now the most replicated model in the country for programs that serve self-represented litigants. The Administrative Office of the Courts is taking steps to help establish Self-Service Centers along this model in other Arizona counties.

What is Family Drug Court?

Where an interdisciplinary team works with a judge to identify any substance abuse issues early, and apply intensive treatment services with immediate rewards and sanctions.

The mission of the Family Drug Court is to provide a coordinated judicial and treatment intervention that produces sober parents and creates stability for children in a timely manner. Anticipated benefits include fewer restricted and supervised visitation orders, more family re-unifications when appropriate, and greater dismissal of dependency actions, when appropriate.

Initiated in March 2003, the program is presently staffed with a program manager, a court liaison officer, and a parent effectiveness trainer. Staff conduct a Nurturing Parents Program and are in the process of securing funding for limited treatment services. The FDC is projecting an enrollment of 80 parents for the current fiscal year.

The program enrollment for FY03 closed at 19 parents referred from several sources. The largest population of referrals thus far has been from the Superior Court's Conciliation Services. Referrals from Child Protective Services are increasing and are expected to be the major referral source by FY05. The first program graduation is projected for January 2004, with a 90% graduation rate. Plans are for full operation of 400 parents by FY08.

Other noteworthy programs to meet service demands:

- *Family Court Advisory Council* — is a committee of citizens, lawyers, and judges holding public meetings quarterly. Citizens and litigants have this forum to express their views. This improves communication and coordination among domestic violence civil and criminal justice systems.
- *Family Court Navigator System* — is a system of communications where citizens may post family law-related inquiries that a staff member responds to within 24 hours.
- *Supervised Probation in Domestic Violence cases.*

A PROACTIVE APPROACH: THERAPEUTIC JURISPRUDENCE

It is in the Family Court-related environment where therapeutic jurisprudence has the strongest proponents and longest experience

As indicated on page 50, the primary focus of Family Court judges is the best interests of litigants and others involved. Therapeutic justice is taking this philosophy one step further. These efforts employ an ethic of care that goes to the root cause or symptom of a family's problem. Many of the programs within the Maricopa Family Court environment noted previously have therapeutic resolution at their core.

The role of judges in a therapeutic jurisprudence environment is quite different than in traditional litigation. The judge is now a “healer” or “participant.” Delay in the processing of family law cases interferes with any therapeutic outcome for children and families. This is especially true in custody, child support, and termination of parental rights cases. Unresolved family problems are apt to escalate. Therapeutic justice is seen as a logical evolution of civil jurisprudence in addressing the needs of families and children, especially in the area of unification of family courts.

One major benefit of therapeutic intervention is that agreements reached by parties are more lasting, and issues of domestic violence and substance abuse may be addressed at the same time with services made available.

Philosophical agreement on the concept of therapeutic jurisprudence does not lessen the many structural and jurisdictional challenges that exist

There are several reasons why addressing the needs of the total family unit is challenging:

- complicated nature of substantive law and proceedings
- highly adversarial nature of proceedings
- family conflicts typically involve legal as well as social issues
- lack of coordination among cases with aspects of the entire family
- need for immediate relief of family issues (i.e., housing, child support, parenting time and access), and
- heavy reliance on outside services and county agencies.

Child dependency matters present an added structural/jurisdictional challenge. While they are clearly family-related matters, they are adjudicated under the juvenile justice system. As a result, families may have matters before different Superior Court departments at the same time.

Integrated family courts attempt to address all the legal matters a family may be facing, with a “one family – one judge – one team” approach

Superior Court is moving toward further integration to address these issues, handling the entire “family” as a unit. The one family-one judge-one team approach is intended to be more responsive to the particular and complex needs of this litigant group.

A pilot project began in 2001 on how to better coordinate family-related cases and services, using judges trained in both family and juvenile law to handle crossover cases. Centralizing integrated cases into a limited number of divisions allows the judges, judicial staff, clerk of court staff, and attorneys to develop expertise in resolving issues unique to family matters.

Early positive results of the Integrated Family Court are:

- better identifying post decree filings needed
- better communicating among court departments and between the court and community partners, and
- increased sensitivity for intra-family domestic violence and its impact on all family members.

Elements of an Integrated Family Court include:

- having a “Family Court” or “Juvenile and Family Court” with comprehensive family law subject-matter jurisdiction over the full range of a family’s related legal problems
- a one team – one family approach in which the team is headed by the judge and includes case coordinators and other court employees as needed
- specially trained judges
- a case management system capable of containing the family’s entire court record in an easily accessible database – “A Family File,” and
- using interdisciplinary approaches to resolve cases.

In an Integrated Family Court environment, judges, clerks of court, court staff, and probation officers all follow the family through the judicial process. Case coordinators screen referrals and inform the family members of voluntary services, refer the family to mandatory court programs, and coordinate all cases involving the family to maximize judicial resources, avoid inconsistent court orders, prevent multiple court appearances on the same issues, and monitor compliance with court-ordered activities.

Early intervention in family cases is often critical to resolving conflict and reducing delay. Case coordinators establish and maintain connections with community and court-based social service providers, so they may effectively broker those service options to court litigants.

Since jail inmates and probationers are often members of families, services and programs provided by the criminal justice system help in this arena

By embracing an ethic of care wherever possible, various segments of the justice system have the potential to have broad impact and provide remedies to other segments, as a side benefit. The therapeutic jurisprudence programs noted on pages 35 through 43, while primarily focused on reducing criminal conflict may also benefit the entire family unit, especially anger management or domestic violence prevention programs, substance abuse programs, and educational or vocational programs. The following Sheriff’s Office programs are targeted specifically to family relations training while individuals are in custody:

- *The Responsible Fathering* program is geared to teach the eligible inmates how to better parent their child(ren) (including assistance after release)
- *The Read to Me Mommy/Daddy* program enables eligible inmates to read and record a children’s book on audio cassette, to mail to their child(ren).

The Unique Changes and Challenges in Child Dependency and Severance Matters

Child dependency/severance cases are the most challenging and expensive of all family-related matters in Maricopa County

A dependency case begins when a petition is filed with Juvenile Court alleging that a child has been neglected or abused, or does not have a parent willing or able to care for him or her. Generally, the Office of the Attorney General files a petition following an investigation performed by Arizona Department of Economic Security, Child Protective Services (CPS). Others who may file include the child's guardian ad litem or a relative, or other interested person.

Dependency matters are front-loaded, with federal and state statutory and rule timeframes mandated from the point when a child is removed from home. The goal is to reach permanency quickly, as a child's concept of time is much more compressed than that of an adult. Front-loading the hearings results in the resources of the court and the agencies being marshaled up-front.

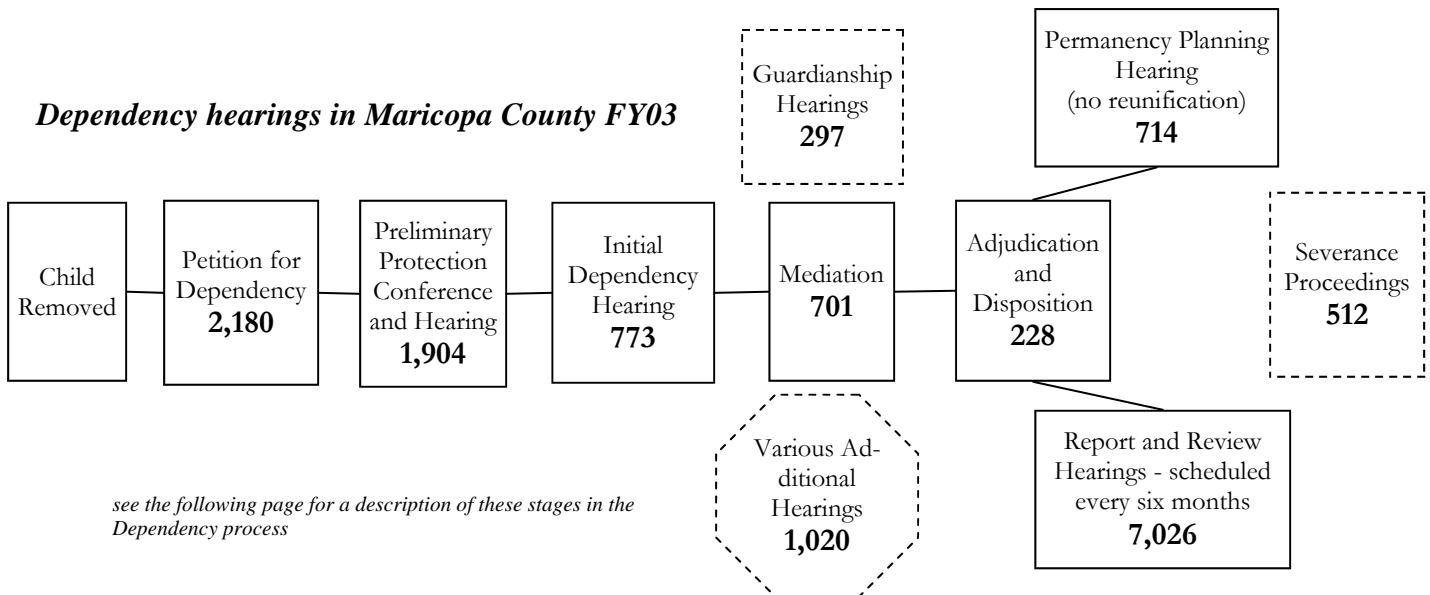
Child dependency matters present considerable structural and jurisdictional challenge. While they are clearly family-related matters, they are adjudicated under the juvenile justice system.

Dependency Allegation Categories in FY03

	# of petition with at least one allegation of this type	% of petitions
Abandonment	497	65%
No parent willing or able to care for child	158	21%
Emotional abuse	1	0%
Failure to protect	49	6%
Neglect	619	81%
Physical abuse	28	4%
Sexual Abuse	8	1%
Under 8 yrs - delinquent ¹	0	0%

¹a delinquency referral may not be made regarding any child who is under 8 years old. If a child under age 8 commits an act that would be regarded as delinquent or incorrigible if the same act were committed by a child over age 8, that is a grounds for a dependency.

Dependency hearings in Maricopa County FY03



see the following page for a description of these stages in the Dependency process

The dependency process is one of the most complex and potentially contentious, having a significant impact on the children and families involved

Despite the linear appearance of the preceding flow chart, dependency matters are extraordinarily complex and require numerous parties' involvement. The following provides brief descriptions of what occurs and each stage.

Child Removed (ARS 8-821, 822, 823)

Commonly referred to as "taking into temporary custody." Child Protective Services (CPS) must serve a temporary custody notice on the parents if they can be found, or leave it at their domicile. CPS has 72 hours to file a dependency petition or they must return the child.

Petition for Dependency (Rule 48, RPJC)

Anyone may file a Petition for Dependency of a child. This petition must contain information such as names and addresses, why the child was taken into custody, whether it's an Indian Child Welfare Act case, a factual statement of the acts or conditions that brought the child into care, etc. The petitioner must serve notice to the parents or guardians.

Preliminary Protective Conference and Hearing (ARS 8-824, 825, 826)

This is held five to seven working days after the child has been taken into temporary custody. There may be one five-day continuance for good cause. The purpose of this court event is to determine whether continued temporary custody of the child is necessary and to enter orders as to placement of the child, visitation between child and parents, and services for the family. The conference takes place forty-five minutes before the hearing; it is designed to define, narrow, and resolve as many issues as possible. An order outlining areas of agreement is prepared for the judge's signature. At the hearing, parents are admonished that failure to participate in the case plan may ultimately lead to a termination of parental rights. The case plan is addressed. Findings such as "reasonable efforts" are made (reasonable efforts were made to prevent removal of the child OR whether it was reasonable to make no efforts to maintain the child in the home).

Initial Dependency Hearing (ARS 8-842, 843, Rule 52, RPJC)

This is set 21 days from the filing of the dependency, in order to effectuate service on a parent. If service of process by publication is necessary, a publication hearing is set 75 to 90 days from the filing of the petition.

Mediation (ARS 8-844)

Before a case may proceed to adjudication, the court holds a settlement conference or pretrial conference, or orders mediation. All of the parties participate. Mediation is confidential, and any agreements reached are forwarded to the assigned judge for review and approval. Frequently, when an agreement is reached on all issues, the parties request that the mediation agreement serve as the disposition (see below).

Adjudication and Disposition (ARS 8-842, Rule 55, RPJC)

The purpose is to determine whether the evidence sustains the allegations in the petition. Few dependency cases proceed to trial; most are resolved at the Preliminary Protective Conference or at Mediation. Adjudication must occur within 90 days of the service of petition. The purpose of the disposition is to enter orders regarding the appropriate case plan, services, and placement of a child who has been adjudicated dependent. This must occur within 30 days of the finding of dependency, but may (and usually does) occur at any of the hearings/events listed above.

Permanency Planning Hearing (ARS 8-862, 829, Rule 60)

These are held within one year after the child's removal, if reunification services were ordered at the disposition. The purpose is to determine if the Arizona Department of Economic Security has made reasonable efforts to finalize the permanency plan currently in effect. If no reunification is ordered, the court orders the Attorney General to file a termination motion within ten days, and an Initial Severance Hearing is then set within 30 days.

Even in the most simple dependency cases, there will be required involvement of :

- the Attorney General's Office
- a CPS caseworker
- counsel for each parent
- attorney(s) for each child.

and often . . .

- a probation officer
- a specially appointed advocate for the child
- a court interpreter
- a Sheriff's Office deputy (if a parent is in custody).

A Second Special Legislative Session concluded in December 2003, and included statutory changes addressing Child Protective Services (CPS) funding shortfalls and reform issues. Changes in law continue to increase responsibilities for counties, including investigation of all complaints of alleged dependency. County attorney and sheriff's agencies are to develop and implement investigation protocols. New standards for these investigation protocols are established, which will require training for forensic medical personnel, law enforcement, and prosecutors. New levels of legal representation are established, as are new provisions relating to court records.

Dependency Filings a count of juveniles

FY02	1,546
FY03	2,006

FY00 to FY03 **↑ 38%**
FY02 to FY03 **↑ 30%**

Filings have increased each month since January 2003 over the comparable months in 2002

Report and Review Hearings (ARS 8-847, Rule 58)

These events must be conducted at least every six months. The purpose of these hearings is to review the child's placement, determine the progress of the parties in achieving case plan goals, and determine whether the child is still dependent. Note: a Report and Review Hearing may precede a Permanency Planning Hearing.

County-funded attorneys are now appointed to all sides of the adversarial litigation, to represent the child and each parent

Most parties in these matters are represented by counsel paid by Maricopa County. When assigned, the Office of the Legal Defender provides parental representation, and the Office of the Legal Advocate provides child representation. The Office of Contract Counsel contracts with private attorneys to represent parties that are not represented by either of the other offices. Like in criminal court, the county provides the attorneys for both sides of the aisle.

Recent public policy debates resulted in statutory changes in January 2003 that dramatically expanded the role of Maricopa County in these matters

While the growth rate in the region contributes to a increase in caseloads, the predominant cause for change with this case type is the recent change in public policy regarding how child dependency cases are managed.

State officials have revisited the role of the Child Protective Services (CPS) agency. In the past the statutory mandate was for the agency to balance protection of children with preserving the family. The emphasis has changed to center more on protecting the children.

In the first four months of FY04 there has been a 62% increase in dependency filings and a 15% increase in delinquency filings. Based on the refocused mission of CPS and the likely passage of CPS reform legislation, it is logical to assume that this is a long-term trend, rather than a temporary increase.

Dependency case filings increased 30% from FY02 to FY03, with a mandate to resolve this increased caseload within shorter time-periods

In the first quarter of FY03, immediately following the change in law, there were 742 filings. In the same quarter of the prior year, there were 459 filings.

A dependency case has no typical length or duration. Dependency petitions may be filed, reviewed and dismissed immediately; dependency petitions may be filed and addressed, with additional petitions filed in the same case as children are born. Dependency petitions may involve one child and two parents; dependency petitions may involve multiple children, parents, and attorneys. Dependency petitions may proceed quickly through the various hearings, resulting in resolution after 2-5 hours of court time; dependency petitions may require lengthy hearings at each stage, resulting in 2-5 days of court time. Dependency petitions may be filed on one family and conclude; dependency petitions may involve more than one generation of a family, beginning with a child who then becomes a parent who then has a child.

Processing of dependency cases is now more costly and expedited, which has substantial demands for resources. The Maricopa County justice system has little participation in setting public policy of this type, yet must change procedures and meet the new as well as continuing demand for exceptional service. While these challenges are met, it is not without hardship.

Dependency matters may be accompanied by serious criminal allegations, handled separately in the Criminal Court environment, with 80% of the cases involving substance abuse allegations

Roughly 80% of all dependency cases in Maricopa County are impacted by the presence of substance abuse allegations. See the discussion on page 47, and sidebars on pages 50 and 51.

This concludes the system review segment of this Annual Activities Report.

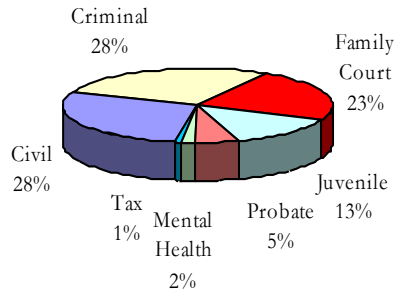
On the following pages readers will find individual agency statistics and workload detail, as well as the Appendix.

Superior Court

Agency Information

The Superior Court of Arizona in Maricopa County provides a public forum for the resolution of disputes and court services so the public may realize timely, fair, and individualized justice.

Superior Court Filings by Department FY03
Total Filings 127,265



Superior Court Case Filings by Department

	FY00	FY01	FY02	FY03	%CHG
Civil	31,258	28,052	31,188	35,956	15.3%
Criminal ¹	26,184	28,106	30,020	35,200	17.3%
Family Court ²	28,551	30,695	29,894	29,414	-1.6%
Juvenile	19,439	18,984	18,016	16,739	-7.1%
Probate	6,414	6,569	7,047	6,740	-4.4%
Mental Health	1,518	1,640	2,104	2,163	2.8%
Tax Court	1,043	1,140	1,008	1,053	4.5%
	114,407	115,186	119,277	127,265	6.7%

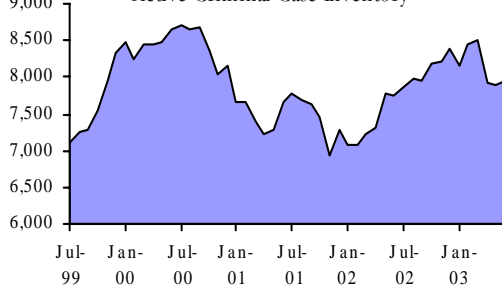
¹direct filing of felony complaints in Superior Court began in May 2002

²counts only new filings, not post-decree matters

Major Events

- FY03 concluded as a year of change in Superior Court. It began with the Chief Justice of the Arizona Supreme Court issuing orders to the Maricopa Superior Court Presiding Judge on the mandate that trial courts in this region work together as a single unit, rather than as separate and distinct entities. This meant collapsing administrative functions between Superior Court and Justice Courts, with an advisory council to help resolve policy issues. Reorganization efforts continued with in-house agencies, centralizing administrative functions that had previously separately served Adult Probation, Juvenile Court, and the balance of Superior Court departments. While staff continue to put in place procedural changes needed for these organizational changes, results are expected to offer economies of scale as well as fortify court-wide needs related to capital improvement planning, statistical reporting, collections, and technology.
- Dramatic change also continued to occur specifically within the Criminal Department. As noted on pages 28 to 31, the court has instituted numerous procedural changes to further streamline case processing. Regional Court Centers consolidate the location of hearings for front-end felony cases. Direct filing then provides for filing through the RCCs directly into Superior Court rather than initially into Justice Courts. New pretrial steps ensure firm trial dates and whether a case must proceed to trial. Specialty courts differentiate case-types or defendant needs (such as substance abuse treatment) so that adjudication may be tailored to the unique circumstances of the case. Please see *Changes and Challenges in Criminal Justice* for more discussion on court innovations.
- Filings continue to increase at a dramatic rate. The Criminal Department processed nearly 35,000 filings last fiscal year, and routinely receives about 3,000 new filings per month.
- This year, as last, 84% of all active pending cases are less than six months old.

Active Criminal Case Inventory



Felony Case Filings by Class of Felony

	FY99	FY00	FY01	FY02	FY03	%CHG
Class One	169	191	151	205	168	-18%
Class Two	3,987	4,270	4,028	3,962	4,223	7%
Class Three	3,869	3,941	4,224	4,867	5,408	11%
Class Four	10,184	10,779	11,653	12,614	15,057	19%
Class Five	1,775	1,707	1,812	1,817	2,020	11%
Class Six	4,328	5,296	6,238	6,555	8,324	27%
	24,312	26,184	28,106	30,020	35,200	17%

Justice Courts

Agency Information

The 23 justice courts are limited jurisdiction courts that process DUI, criminal traffic, civil traffic, misdemeanor, civil, small claims, forcible detainer, domestic violence, and injunction against harassment cases.

Filings into Justice Courts

	FY00	FY01	FY02	FY03	%CHG
Driving Under the Influence	6,859	7,383	9,369	11,392	22%
Criminal	34,498	19,751	21,999	23,631	7%
Civil Traffic	158,138	154,950	155,291	162,001	4%
Misdemeanor	22,853	29,681	29,534	32,566	10%
Felony ²	18,089	16,661	15,279	11	-100%
Small Claims	17,600	17,665	19,045	20,327	7%
Forcible Detainer	59,743	68,787	75,663	77,473	2%
Other Civil	17,422	20,125	25,074	27,726	11%
Orders of Protection	5,405	5,600	6,068	6,498	7%
Injunctions Against Harassment	5,200	4,779	4,990	5,235	5%

²direct filing of felony complaints into Superior Court began May 2002

Trials

	FY01		FY02		FY03	
	Non-Jury	Jury	Non-Jury	Jury	Non-Jury	Jury
Criminal Traffic	536	31	951	66	409	62
Misdemeanor	508	1	262	10	253	4
Civil	19,873	5	22,459	5	22,115	5
	20,917	37	23,672	81	22,777	71

Other Proceedings

	FY01	FY02	FY03	%CHG
Small Claims Hearings/Defaults	4,099	4,030	4,088	1%
Small Claims (w/Hearing Officer)	2,332	2,729	2,568	-6%
Civil Traffic Hearings	4,188	4,560	4,763	4%
Felony Preliminary Hearings ¹	1,264	1,481	0	-100%
Initial Appearance ¹	10,623	9,640	0	-100%
Order of Protection Review Hearings	818	987	825	-16%
Injunctions Against Harassment Review	858	934	763	-18%
Search Warrants Issued	3,020	3,192	3,691	16%

¹direct filing of felony complaints began in May 2002. Preliminary hearings after that date were set in Superior Court and are not reflected here

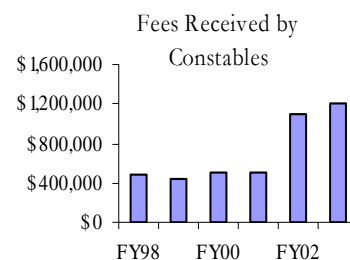
Major Events

- Caseflow Management – Justice Courts continue to work to reduce pending caseloads. Overall, pending DUI cases have been reduced by 72%, criminal traffic cases by 28%, and misdemeanor cases by 50%. Justice Court Administration (JCA) is involved in a work group to develop procedures so that the court may terminate all DUI cases within 180 days of filing.
- Direct Filing Program – Justice Courts worked with Superior Court to fully implement the Regional Court Centers and direct filing of felony cases to those centers. This helps streamline front-end felony case processing which better serves litigants and the public.
- Collections – Through numerous changes, JCA raised the overall collection rate to 94% from the 78% historical average, collecting \$21,839,462 in FY03. Approximately 63% of these monies go the county general fund. JCA is also participating in the FARE program initiated by the Arizona Supreme Court to capture all reasonable revenues.
- Digital Recording Grant – JCA received authorization from the Administrative Office of the Courts for \$400,000 in local JCEF funds to purchase a new audio/video system for all 23 Justice Courts. This new system will be used to record court testimony, provide video arraignments, and conduct court interpretations in the absence of an on-site interpreter.
- Co-Located Courts – Plans continue for co-location of justice courts within 5 to 6 regional centers around the county. This will save more than \$3 million in lease costs, while providing better service to the citizens of Maricopa County. The next center is planned for Surprise.
- Interpreter Program – Justice Courts implemented a program for providing interpreters for non-English-speaking litigants, by linking with the Superior Court interpreters. Now trained and locally-certified court interpreters are available in all justice courts. Interpreters are available on-site, via video, or telephonically. This conversion to in-house interpreter resources should save more than \$200,000 per year.

Constables

Agency Information

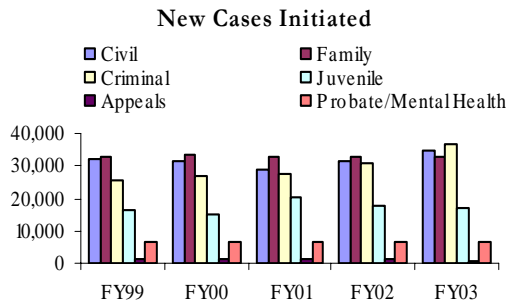
Constables are elected to serve criminal and civil process of the 23 Justice Courts. Their duties include: executing and returning writs of possession, restitution, and execution; serving orders of protection and orders prohibiting harassment; and serving criminal and civil summons and subpoenas. The impact of legislation increasing user fees is reflected in the FY02 and FY03 data. Now revenues more closely approximate cost recovery. The Constables are assisted by four Deputy Constables, two Process Servers, and a full-time administration coordinator.



Clerk of the Superior Court

Agency Information

The Clerk of the Superior Court provides court-related records management as well as financial and family support services to the public, the legal community, and the Superior Court.



Case File Documents¹

	FY99	FY00	FY01	FY02 ²	FY03 ²	%CHG
Civil	408,790	409,276	389,200	313,020	190,873	-39%
Family	510,293	586,328	608,400	445,307	518,168	16%
Juvenile	241,470	265,112	253,181	249,984	238,202	-5%
Criminal	495,144	462,426	512,508	381,990	442,176	16%
Probate/MH	92,588	99,671	107,059	120,723	139,981	16%
	1,748,285	1,822,813	1,870,348	1,511,024	1,529,400	1%

¹refers to documents filed in a case after the initial file has been opened

²certain FY02 and FY03 figures appear artificially decreased due to implementation of a new court case management system and an electronic imaging system

Major Events

As noted on pages 33 – 35, there have been substantial advancements made by the Clerk of the Court in utilizing technology to provide faster and more efficient service to Superior Court. The Electronic Document Management System (EDMS) revolutionizes how the court does business. This supplements the official court record with electronic documents and images. Court records will be accessible remotely and simultaneously, and workflow and document routing will be automated to maximize the efficiency of court operations. The effort began in 1997 with a pilot dealing with Probate Court documents. The Office took a major step in January 2002, beginning to scan the paper documents it receives for filing for Criminal, Civil, Family Court, Mental Health, and Tax Court case types.

Another technological advancement is the Clerk's Office electronic delivery of Minute Entries, noted in *Changes and Challenges in Criminal Justice, Fully Utilizing Technology*. This will expedite communicating court rulings which can allow expedited case processing. The importance of these two changes in how court papers are processed cannot be overstated; the paper file, accessible by only one person at one time, requiring that someone place within that file all appropriate documents, may be replaced by a repository of electronically generated, scanned, accessible file with all necessary safeguards and securities. The result will be a dramatic improvement in access to court rulings and records, as well as reduced storage space required for the traditional paper documents.

Other Workload Indicators

	FY00	FY01	FY02 ²	FY03 ²	%CHG
Marriage licenses issued	13,144	14,600	12,234	11,262	-8%
Passport applications	36,164	33,383	24,180	21,788	-10%
Notary bond applications processed	12,471	12,280	12,219	13,123	7%
Documents docketed	1,806,554	1,845,042	1,434,020	1,467,571	2%
Images microfilmed ³	6,941,812	5,062,711	3,409,208	3,018,809	-11%
Document pages scanned ³	N/A	N/A	1,372,132	7,283,331	431%
Exhibits processed	101,854	120,779	109,976	124,209	13%
Minute entry pages distributed (paper)	5,089,970	804,022	914,675	629,639	-31%
Minute entry pages distributed (electronically)	N/A	1,331,874	1,938,759	1,777,206	-8%
Total minute entry pages distributed	5,089,970	2,135,896	2,853,434	2,406,845	-16%
Number of RFR payments processed	58,923	67,671	60,824	70,799	16%
Amount RFR payments ⁴	\$5,735,345	\$9,092,695	\$16,796,259	\$8,644,102	-49%

³reflects the shift in business processing from paper and microfilm to electronic documents and scanning

⁴the increase in FY02 is due to high-dollar penalties from two cases

Juvenile Court Services

Agency Information

Juvenile Court Services provides information, services, and programs to county residents so they can solve problems associated with juvenile crime.

The Juvenile Probation Department administers community-based prevention programs, formal diversion in collaboration with the Court and the County Attorney, and Community Justice Centers and Committees, as an extension of restorative justice. The Department also manages two detention facilities with a 357 bed capacity, is planning for a major capacity expansion, and supervises youth placed on probation by the Court.

Major Events

For a review of the programs and services of Juvenile Court and Probation, including the extensive crime prevention and intervention efforts, see pages 37 to 43.

Petitions Filed with Juvenile Court

	FY99	FY 00	FY 01	FY 02	FY 03	%CHG
Delinquency ¹	13,852	17,241	16,789	15,023	13,774	-8%
Direct File as Adult	N/A	440	394	359	300	-16%
Dependency ²	1,169	987	979	1,029	1,366	33%
Adoption ²	970	930	1,000	947	890	-6%
Severance ²	574	408	279	293	243	-17%
Other	690	505	560	496	646	30%
	17,255	20,511	20,001	18,147	17,219	-5%

The above are counts of petitions, not juveniles

¹one juvenile may have more than one petition filed

²more than one juvenile may be included in the same petition

Average Daily Juvenile Probation Population

	FY00	FY01	FY02	FY03	%CHG
Standard Probation	4,678	5,186	4,888	4,490	-8%
Intensive Probation	729	722	720	722	0%
	5,407	5,908	5,608	5,212	-7%

Juvenile Compliance with Diversion Consequences

	FY00	FY01	FY02	FY03
Consequences given	16,676	18,361	20,288	18,257
Completed on time	13,176	13,473	14,735	12,888
Eventual compliance	3,330	3,197	3,855	3,100
Did not comply	91	207	95	184

Diversion consequences are imposed by probation officers and may include community service, participation in educational programs, counseling, or restitution. This is a count of the number of consequences given, not juveniles. A juvenile may be given more than one consequence.

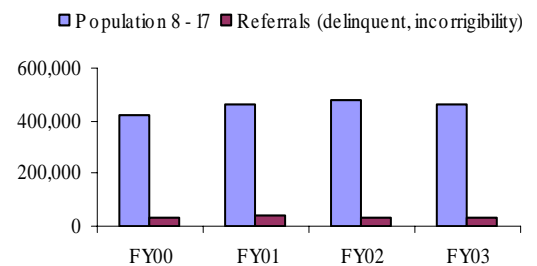
Juvenile Community Service Hours Completed

	FY00	FY01	FY02	FY03	%CHG
	227,032	184,561	167,589	154,428	-8%

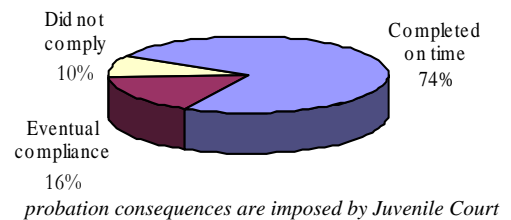
Juveniles Committed to the Dept. of Juvenile Corrections

	FY00	FY01	FY02	FY03	%CHG
	451	397	285	323	13%

Juvenile Population vs. Referrals



Juvenile Compliance with Probation Consequences FY03



Juvenile Detention

	FY00	FY01	FY02	FY03	%CHG
Average daily population	397	404	406	400	-1%
Average daily capacity	330	357	357	357	0%
Average daily % over capacity	20%	13%	13%	12%	-8%
Avg length of stay (days)	14.4	14.2	14.8	15.1	2%

County Attorney's Office

Agency Information

The County Attorney's Office provides criminal prosecution, victim services, crime prevention, and legal counsel for county government, on behalf of the people of Maricopa County.

Major Events

- The County Attorney's Office has had an increase of 21.6% in adult felony filings since 2000.
- The Community Action Bureau established three new Slumlord Task Forces in Peoria, Glendale and Tempe in 2003. These Task Forces have identified and targeted 12 slum lord properties for coordinated enforcement. One large property in Tempe is being completely renovated and has seen a 71% reduction in crime.
- In June 2002, Arizona's new death penalty sentencing statutes were enacted (Ring v. Arizona). The new statutes ruled that juries, not judges, must decide whether the circumstances of a crime merit the death penalty. This decision is having considerable impact on death penalty prosecution by imposing new time constraints on all criminal justice resources. Sixteen cases involving convicted death row inmates will likely be remanded to Superior Court for resentencing, increasing prosecution workloads associated with the new death penalty prosecution procedures.

Adult Felony Filings by Offense Type

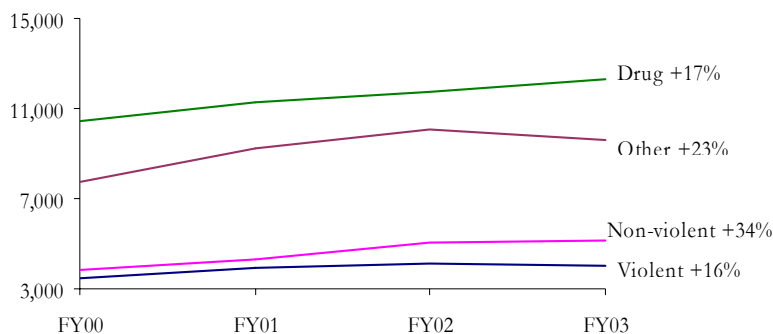
% CHG

	FY00	FY01	FY02	FY03	FY00 to FY03
Homicide	243	212	292	243	0%
Sexual Assault	106	97	94	123	16%
Child Molestation	365	375	390	432	18%
Robbery	656	757	886	848	29%
Aggravated Assault	2,433	2,875	2,889	2,790	15%
Burglary	1,609	1,710	1,846	1,895	18%
Arson	50	37	42	37	-26%
Vehicular Theft	1,255	1,625	2,138	2,273	81%
DUI	2,884	3,065	3,177	3,204	11%
Theft	912	913	985	917	1%
Drug Related	10,461	11,301	11,746	12,284	17%
Other	4,501	5,809	6,539	5,935	32%
	25,475	28,776	31,024	30,981	21.6%

The number of filings represents data as of 11/12/03 and is subject to change

source: County Attorney Information System

Adult Felony Filings



Drug is all drug related.

Other includes child molestation, DUI, and other.

Non-violent includes burglary, arson, vehicular theft, and theft.

Violent includes homicide, sexual assault, robbery, and aggravated assault.

Indigent Representation

Agency Information

The offices of Indigent Representation provide legal defense services to indigent defendants in the following instances: 1) criminal proceedings including felony, misdemeanor, probation violation, appeals, post-conviction relief, and cases in which defendants oppose extradition; 2) juvenile delinquency or incorrigibility cases; 3) witness representation in criminal cases, when assigned by the court; 4) mental health proceedings involving potential loss of liberty; 5) civil child dependency or severance proceedings.

Major Events

Please see *Changes and Challenges in Criminal Justice*

Case Assignments	FY00	FY01	FY02	FY03	%CHG
Public Defender - Case Assignments					
Homicides ¹	159	115	147	126	-14%
Serious Crimes Against Children ¹	300	283	341	378	11%
Other Felonies ¹	20,764	22,117	22,841	26,833	17%
Probation Revocations ²	11,469	12,340	13,726	14,114	3%
Misdemeanors ²	3,757	3,399	4,073	4,448	9%
Delinquencies ³	9,917	9,831	9,259	9,056	-2%
Juvenile Appeals ⁴	112	127	86	67	-22%
Appeals ⁴	469	489	448	450	0.5%
Post-Conviction Reliefs ⁴	1,024	1,036	1,506	1,538	2%
Mental Health ⁵	1,113	1,690	1,772	2,165	22%
	49,084	51,427	54,199	59,175	9%

Legal Defender - Case Assignments					
Major Felonies ¹	123	74	105	63	-40%
Other Felonies ¹	3,826	3,637	3,988	4,459	12%
Probation Revocations ²	304	310	267	319	19%
Misdemeanors ²	20	14	8	7	-13%
Dependencies	725	729	603	951	58%
Severance	97	100	91	88	-3%
Recertification	622	693	758	569	-25%
	5,717	5,557	5,820	6,456	11%

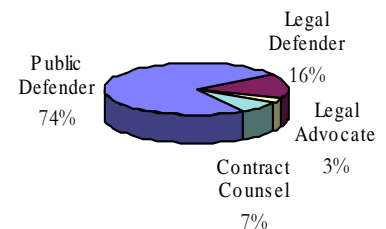
Legal Advocate - Case Assignments					
Major Felonies ⁹	N/A	65	82	519	533%
Other Felonies	N/A	668	944	659	-30%
Probation Revocations	N/A	68	102	146	43%
Appeals	N/A	73	53	70	32%
Post-Conviction Reliefs	N/A	299	239	363	52%
Dependencies ⁶	310	326	274	532	94%
Severance ⁶	17	7	1	1	0%
Recertification	Unknown	Unknown	507	314	-38%
Sexual Predators ⁷	N/A	N/A	95	59	-38%
	327	1,506	2,297	2,663	16%

Office of Contract Counsel - Case Assignments					
Major Felonies		67	60	42	-30%
Capital		10	14	14	0%
Felonies		3,121	3,493	2,597	-26%
Sexual Predators ⁷		75	0	0	0%
Delinquencies ⁸		4,322	4,581	3,971	-13%
Appeals		64	44	23	-48%
Post-Conviction Reliefs		663	610	669	10%
Mental Health		38	28	25	-11%
Dependency		4,436	4,692	5,529	18%
Probate		660	669	643	-4%
		13,456	14,191	13,513	-5%

Public Defender Trial Division

	FY01	FY02	FY03
Superior Court trials	688	575	415
Average case length (days)	125	108	99

Felony Case Assignments in FY03



¹ Assignments resulting in no complaint being filed are not counted. No credit is taken for early case transfers to other IR departments. Cases with dispositions of withdrawal due to conflict or retention of private counsel are counted as full cases unless withdrawal or retention occurred prior to arraignment or this office withdrew due to workload, in these instances, no credit is taken for the case.

² P.V. and Misdemeanor private counsel and withdrawal cases receive no credit.

³ Report and Review cases receive only half credit. No credit is taken for cases withdrawn from due to excessive workload or because no complaint filed.

⁴ No credit is taken for cases withdrawn from due to excessive workload or because no complaint filed. PCRs and Appeal/PCRs are counted by CR# rather than by number of petitions.

⁵ No deductions are made from gross case assignments.

⁶ FY99 and FY00, dependency unit part of the Public Defender's Office. Entire unit moved to Legal Advocate's Office for FY01.

⁷ In FY02, the Office of the Legal Advocate accepted responsibility for Sexual Predator cases. These cases had previously been assigned to contract attorneys through the Office of Contract Counsel.

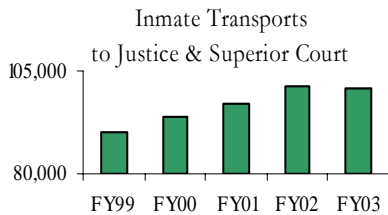
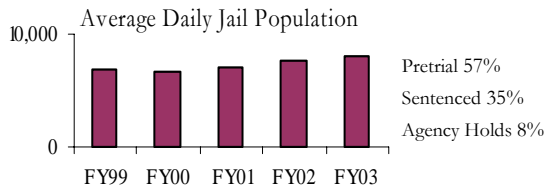
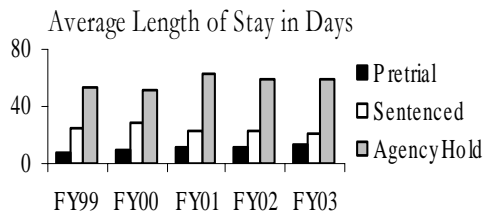
⁸ No credit is given to contract counsel for additional petitions in Juvenile matters. This is a count of juveniles assigned to private counsel through disposition.

⁹ Commencing FY03, the Office of the Legal Advocate is counting Class 1, 2, and 3 dangerous crimes as "Serious Felonies." This is as prescribed in the departmental strategic plan.

Sheriff's Office

Agency Information

The Sheriff's Office provides law enforcement, jail detention, and crime prevention services to the public.



Inmate Population High Count

	FY00	FY01	FY02	FY03
Date	06/25/00	09/23/00	6/2/2002	10/20/2002
Population	7,129	7,454	8,168	8,380

Transitional Alpha Program (TAP): this is a pilot project where MCSO has partnered with Concepts for Change and Sage Counseling to provide substance abuse treatment for defendants upon release from jail. Treatment may include residential treatment and group recovery therapy for Alpha graduates.

Education transition planning: All MCSO Hard Knock High students are required to develop comprehensive transition plans beyond jail. Prior to release, inmates are linked with community services, vocational training, and other service providers.

MASH II: An animal care center for live evidence in felony abuse cases was established. Male inmates are trained to care for the abused animals, providing skills that may lead to jobs upon release.

Art Therapy: An art therapy class was implemented for female inmates in collaboration with ASU.

Bookings By Agency

	FY00	FY01	FY02	FY03	%CHG
Local Police Agencies	92,601	90,116	90,781	91,336	1%
Federal Agencies	1,699	1,160	1,192	1,207	1%
County Agencies	6,233	6,632	6,934	6,764	-2%
State Agencies	232	230	235	316	34%
Self Surrenders	11,358	16,694	15,928	18,177	14%
City Court	7,979	11,926	10,934	12,388	13%
Justice Court	1,540	2,499	2,725	3,215	18%
Superior Court	1,839	2,269	2,269	2,574	13%
Other				665	
	112,123	114,832	115,070	118,465	3%

Average Daily Population by Category of Offense

	FY99	FY00	FY01	FY02	FY03	%CHG
Felony	4,987	5,095	5,394	5,779	6,013	4%
Misdemeanor	1,307	1,124	1,234	1,207	1,388	15%
Agency Hold	480	421	392	545	603	11%
Other	26	24	23	28	40	43%
	6,800	6,664	7,043	7,559	8,044	6%

Average Length of Stay by Type (in days)

	FY99	FY00	FY01	FY02	FY03	%CHG
Pretrial	8.48	8.59	11.66	11.88	12.62	6%
Sentenced	25.50	28.38	22.27	22.38	21.49	-4%
Agency Hold	53.51	52.20	62.59	59.76	59.58	-0.3%
Other	2.38	5.22	4.10	4.67	3.81	-18%
	21.46	21.54	22.73	23.57	24.36	3%

Other Workload Indicators

	FY01	FY02	FY03	%CHG
Bonds/Fines Processed	\$10,684,559	\$10,603,670	\$14,479,734	37%
Net Canteen Sales	\$2,976,241	\$3,717,226	\$4,240,491	14%
Meals Served	8,966,218	10,181,648	9,030,674	-11%
Warrants Received	38,481	50,290	46,262	-8%
Civil Process Received	47,535	43,580	45,697	5%
Subpoenas Received ¹	21,692	35,710	33,660	-6%
Subpoenas Served	13,428	21,029	19,874	-5%
Tax Bills Collected	17,086	14,701	15,909	8%
Tax Bills Amount ²	\$10,937,555	\$3,573,631	\$3,144,264	-12%
Domestic Violence Orders Received	20,370	21,466	24,948	16%
Posse Members	3,114	3,312	2,216	-33%
Reserve Members	133	156	80	-49%
	CY00	CY01		
911 Calls Received	179,844	201,378	199,205	-1%
Calls for Service	85,801	92,803	95,355	3%

¹increase due, in part, to direct filing into Superior Court

²incompatibility with the Maricopa County Treasurer's computer system has affected MCSO ability to accurately reflect commercial tax bills.

Correctional Health Services

Agency Information

Correctional Health Services provides medical, dental and mental health services to inmates in the adult and juvenile detention facilities operated by Maricopa County.

Encounters by Visit Type

	FY02	FY03	%CHG
Counseling	55,120	43,208	-22%
Dental	18,364	26,304	43%
Medical Doctor	66,633	60,517	-9%
Nursing	247,115	281,184	14%
Psychiatry	12,944	9,917	-23%
X-Rays	5,214	4,853	-7%
	405,390	425,983	5%

data prior to FY02 is not included due to incomplete reporting of encounters from clinics

Major Events

- Correctional Health Service's (CHS) Telemedicine program was officially inaugurated in June of 2003, when the adolescents at Mesa Juvenile Detention facility were linked electronically with psychiatric staff at CHS's administrative office in downtown Phoenix. The counseling sessions were accomplished with the use of two Tandberg 1000 units. The units are self-contained and integrated. The system includes a LCD flat screen, a camera, a microphone, and a speaker. This allows videoconferencing over a secure network between two or more locations. Videoconferencing with adolescents allows expanded coverage through the detention facilities. The adolescents have responded with overwhelming acceptance of this modality. The CHS Telemedicine program will be expanding to more clinics. A federal grant of \$947,620 has allowed CHS to set up the network and purchase the equipment.
- CHS's ability to provide medical, dental, and mental health services will be greatly enhanced by the new jails and juvenile detention facilities currently under construction. Forth Avenue Jail in downtown Phoenix will house the new Central Intake facility, capable of handling 600 bookings every 12 hours. CHS plans to conduct medical assessments and physicals within eight to twelve hours after booking. That will provide a medical record on each inmate before they are moved to other jail locations. The Lower Buckeye Jail will house a new 60-bed infirmary, 19 of which are in negative air rooms (the current infirmary has 23 beds, four of which are in negative air rooms). This will allow more inmates to remain in the jail for medical care rather than being transferred to Maricopa Medical Center, which will save money. Negative air rooms are needed for inmates with infectious diseases such as tuberculosis. The medical clinic at Lower Buckeye Jail will also contain an eye exam room and an orthopedic casting room. Both jails will have XRAY facilities with digital processing and dental clinics. These new facilities will cut down on the number of out-of-facility transports, which will save transportation costs and protect public safety. The new Durango Juvenile Detention facility also contains a well-appointed medical clinic to enhance treatment and care of juveniles in the system.
- During FY03, Correctional Health began to provide Restoration to Competency treatment for inmates of the Maricopa County Jail. Prior to FY03, all such treatment occurred at the Arizona State Hospital, with the usual wait time for that facility averaging 120 days. Correctional Health Restoration Treatment began as an inpatient model. Restoration in the Maricopa County Jail in FY04 will expand to a combination of programming to include outpatient treatment.

An average of 23% of all inmates were prescribed a psychotropic medication in FY03. Approximately 300 inmates per year meet the RBHA/State criteria as Seriously Mentally Ill.

Adult Probation Department

Agency Information

The Adult Probation Department has the following duties:

- Managing offender risk by enforcing court orders.
- Encouraging probationers to engage in pro-social change, law-abiding behavior, and personal accountability under general and intensive supervision.
- Providing presentence reports to assess offender risk/needs in order to help guide court decisions and to apply the appropriate level of service.
- Working in community partnerships to provide crime prevention and intervention services.
- Facilitating victim involvement and restorative justice services.

Average Daily Active Population on Supervision

	FY99	FY00	FY01	FY02	FY03	%CHG
Standard Probation	20,837	22,459	22,503	23,567	23,507	-0.3%
Intensive Probation	1,580	1,562	1,666	1,573	1,296	-18%
	22,417	24,021	24,169	25,140	24,803	-1%

Percent of Standard and Intensive Probationers

Successfully Completing Probation

	FY99	FY00	FY01	FY02	FY03	%CHG
	63%	65%	62%	61%	58%	-5%

does not factor in probationers 'Returned to other State/County' and 'Other' categories (e.g. purged/quashed warrants, deceased, etc.)

Restorative Justice Indicators

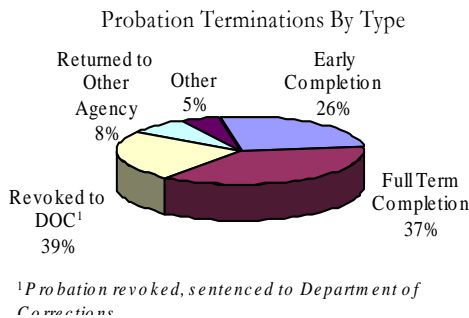
	FY00	FY01	FY02	FY03	%CHG
Community Service Hrs	897,326	903,051	864,242	853,041	-1%
Restitution Collected ¹	\$7,536,386	\$8,425,867	\$13,849,014	\$8,762,175	-37%
Victim Satisfaction ²	52%	49%	54%	50%	-7%

¹in FY 2002, there were substantial corporate restitution payments that inflated the amount of restitution paid for the year. In FY 2003, probationer compliance for payment of restitution increased by 17% over the previous year.

²of victims who have opted to be notified of probationer activity

Presentence Reports

	FY99	FY00	FY01	FY02	FY03	%CHG
Reports Completed	14,067	15,097	18,888	19,397	18,911	-3%
Late Reports to the Court	N/A	3%	5%	1%	0.04%	-96%



Major Events

- Staff Safety - During the fiscal year, 13 new staff safety policies were implemented that included the use of force continuum, defensive tactics training, and use of defensive equipment. In FY03, 95 probation officers received defensive tactics training and 28 staff were trained as instructors. A firearms policy is still under development and the first phase should be ready for implementation during FY04.
- Impact of Budget - Due to the budget crisis, the State Supreme Court issued Administrative Order 2002-118 in December 2002, which cut the departments budget by \$2.8 million and eliminated 125 positions that were funded by the state. As a result, the department had to reduce its capacity for Intensive Probation Supervision and early terminate lower-risk offenders. With passage of HB 2533 late in the fiscal year, Maricopa County assumes primary funding for Intensive Probation Supervision, State Aid Enhancement, Interstate Compact and the Community Punishment Program. A major goal will be to return the department to staffing levels that were in place prior to the Administrative Order.
- Presentence Reports - Another Managing for Results goal was to maintain a 98% or better on-time rate for submitting presentence and combination reports to the court. The department exceeded expectations in FY03 with nearly a 100% on-time rate. Out of 18,911 reports ordered by the court, 18,905 were on-time. Additionally, the number of continuances due to late reports was reduced from 252 in FY02 to 180 in FY03 (only 1%).
- As part of the Superior Court reorganization, Adult Probation absorbed Pretrial Services within that department. This change will expand resource accessibility for Pretrial, and places responsibility for all supervised release of adult defendants within one organization.
- Please see *Changes and Challenges in Criminal Justice* for additional information on Adult Probation activities.

Pretrial Services

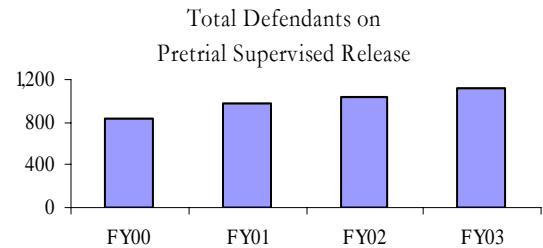
Agency Profile

The Pretrial Services Agency, formerly a segment of Superior Court and now a division within the Adult Probation Department, has five primary responsibilities:

- Conduct background checks on arrested defendants, which involves interviews and information verification for persons booked into the Maricopa County jail system.
- Provide standard, intensive, and electronic monitoring services for defendants released to Pretrial Services, and secure that defendant's appearance in court.
- Track defendants who fail to appear.
- Refer defendants to needed social services, including drug treatment.
- Complete Bond Modification investigations and reports for the court.

Pretrial Services Supervision

	FY00	FY01	FY02	FY03	%CHG
General Supervision	620	543	610	700	15%
Intensive Supervision	218	327	339	428	26%
Electronic Monitoring	N/A	64	78	97	25%
	838	935	1,027	1,225	19%



Major Events

Merger/Reorganization

- Pretrial Services Agency (PSA) merged with Adult Probation Department (APD) in June 2003, as part of the Superior Court reorganization. Opportunities of this merger include:
 - Reclassifying pretrial officers to probation officers
 - Salary adjustments to bring officers to market pay
 - First eight reclassified officers to attend two week Probation Academy.

Jail Unit

- The Jail Unit completed 41,901 interviews in FY03, up 10% from the prior year.
- An intergovernmental agreement is pending with the City of Phoenix, for interviewing and monitoring of domestic violence offenders.
- Computer conversions took place for PSA/IA On-line to integrated Court Information System (iCIS), allowing more advanced case tracking. This will enhance the ability to gather statistical information on cases from arrest to disposition.
- The Agency implemented a Department of Economic Security (DES) database for the jail unit to access arrestee's financial data, which will assist with determining indigency and setting bail.
- All space plans were completed and equipment ordered for the upcoming relocation of the jail unit to the new Fourth Avenue Jail in the summer of 2004.

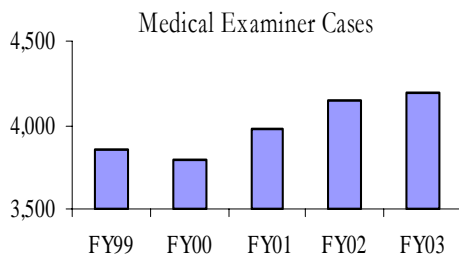
Defendant Supervision

- The agency completed FY03 with an all-time average daily caseload high of 1,366 defendants on supervised release (for June 2003).
- The development and implementation of PSA's first fully-supported automated case tracking system, Pretrial Automated Case Tracking System (PACTS). This system allows better access to case information as well as the ability to enhance management reports needed to assess outcome measures.
- Electronic Monitoring supervision exceeded capacity with a monthly average of 104 defendants.
- Legislation was passed mandating that defendants charged with sex offenses who are released on bond must be supervised with electronic monitoring. This caused an increase in the number of defendants electronically monitored to an all-time high of 123 (June 2003). Furthermore, a monthly average of 85 additional defendants are incarcerated with a bond and will require electronic monitoring upon release.
- A RFP and subsequent contract implemented Global Satellite Positioning (GPS) monitoring that is utilized on high-risk offenders. A contract was also approved for voice verification monitoring which enhanced the Agency's ability to monitor curfew restrictions. These technologies have afforded judicial officers additional choices for supervision tools for defendants on release status.

Medical Examiner's Office

Agency Information

- The Office of the Medical Examiner makes a public inquiry and investigation to determine the cause and manner of death when that death is unattended, unnatural, or suspicious (approximately one-fifth of all deaths in Maricopa County).
- Upon completion of the investigation, the Medical Examiner will issue a report of findings of any contributing factors and cause of death, and a determination as to the manner of death. Manner of death is designated in one of five categories: accident, homicide, natural, suicide, and undetermined.
- In cases involving criminal investigation and prosecution, a copy of the final report is sent to the law enforcement agency and County Attorney's Office. When a case involves public health or safety, results are reported to the Public Health Department and safety regulatory boards.
- Unlike a coroner, who is an elected official and usually not required to be a medical doctor, a medical examiner is a licensed physician specializing in pathology, with a sub-specialty in forensic pathology.



Caseload Summary

	FY99	FY00	FY01	FY02	FY03	%CHG
% of Autopsies Performed	62%	61%	60%	60%	55%	-8%
Accident	1,266	1,208	1,362	1,454	1,381	-5%
Homicide	330	326	343	417	415	0%
Natural	1,774	1,763	1,784	1,736	1,770	2%
Suicide	417	413	413	452	484	7%
Undetermined	53	72	75	82	105	28%
Pending	-	-	6	12	44	267%
	3,858	3,790	3,983	4,153	4,199	1%

Case Completion (% Closed in . . .)

	FY99	FY00	FY01	FY02	FY03
45 Days	48%	41%	43%	62%	34%
90 Days	89%	84%	75%	94%	84%

Major Events

- For over a decade the Office of the Medical Examiner (OME) was in desperate need of space as the number of cases continued to grow until it is now the fifth largest medical examiner office in the country. This past fiscal year the new Forensic Science Center was completed, and in October 2002 the OME moved into the new facility at 701 West Jefferson Street in downtown Phoenix.
- The new facility was built to not only meet present space needs, but to allow for 10 to 20 years of growth. The new Forensic Science Center (FSC) is on three levels with approximately 63,000 sq. ft. of space, compared to 11,000 sq. ft. in the old building. The FSC is jointly located with a new downtown county parking garage. An inner courtyard separates the parking garage from the FSC, which was needed to separate the vibration caused by vehicles in the parking garage from affecting the delicate and sensitive laboratory instruments. An added benefit is that the inner courtyard ensures privacy and security, while still providing natural lighting to the lower level where the examination rooms are located. The ground floor contains primarily office space. The office space was planned to provide offices for 12 medical examiners and two forensic pathology fellows, as well as administrative and office staff. The third floor of the building is laboratory space. Only the toxicology laboratory and histology presently occupy the space, but laboratory space was planned for the eventual addition of serology, DNA analysis, and trace evidence laboratories.
- In planning for the likely continuing growth of population in Maricopa County over the next 20 years, it is anticipated that satellite offices will be needed in the southeast and west portions of the county. The new FSC would continue to provide centralized laboratory support even for satellite offices, enabling the OME to provide services to Maricopa County for many years to come, despite burgeoning growth in the population of the area.

Appendix

Explanatory notes

Reference to fiscal years in this text include all time from July 1 through June 30, with the ending year. Therefore, the time period between July 1, 2002 and June 30, 2003 is referred to as FY03.

Unless otherwise noted, data sources are the Maricopa County justice agency responsible for that service.

The percent change column (%CHG) in tables refers to the percentage increase or decrease *over the prior year*, unless otherwise noted. The percent change figure noted on charts and graphs refers to the change over the block of time noted in the display.

There will be minor differences in data reporting between agencies. No one agency is responsible for cohesion among the independent justice agencies, either by level of government or by discipline. This report attempts to provide that cohesion. Please excuse any mismatches that may result. Differences may result from: reporting data by fiscal year versus calendar year; data for prior years being updated by source agency; differences in case counting and definitions of court event types.

Statements are made that 2.2% of the population causes the workload of the entire criminal justice system. That figure is calculated for FY03 by adding the number of adult criminal filings in Superior and Justice Courts, with juvenile delinquency petitions filed, and dividing that into the FY03 total Maricopa County population.

Two parent households are defined as those with at least one legal parent and a spouse of that parent living together. It does not mean both parents are biologically and/or legally parents of the child(ren).

Population figures: Due to differences in methodology and timing, population estimates vary. Differences in both prior-year estimates and future-year projections depend upon whether one is using a single point in time (such as the DES figures) versus a fiscal year estimate (such as used by economists). Therefore some data in this report showing the rate of occurrence per population are based on calendar year-end population estimates, while others are based upon U.S. Census Bureau estimates as of July 1 of each year. Sources include the U.S. Bureau of the Census; Arizona Department of Economic Security Population Statistics Unit; the Center for Business Research at Arizona State University; and Elliott D. Pollack & Company. For rate data calculated in-house, the source for population counts through July 1, 2002 is the U.S. Bureau of the Census and for July 1, 2003 is Elliott D. Pollack & Company.

Crime analysis:

- One measure of the prevalence of criminal activity is the **National Crime Victimization Survey**. Conducted by the Bureau of Justice Statistics, this poll has been conducted annually since 1973 to inquire whether any member of the household had been the victim of a crime over the past year. Since fewer than half of all crimes are actually reported to police, data from this survey is useful to see overall criminal activity throughout the nation.
- Overall criminal activity can be gauged by studying those crime-types that are reported to law enforcement. The Federal Bureau of Investigation serves as the national clearinghouse for this information. The main method for that is the **Crime Index**, the **Uniform Crime Reporting (UCR)** Program, which reflects the more dangerous crimes. The Crime Index is composed of the seven **Part I crimes**. This includes the violent crimes of murder, forcible rape, robbery, and aggravated assault and the property crimes of burglary, larceny-theft, and motor vehicle theft. These were selected when the UCR was originated in 1929, as those crimes considered by law enforcement and criminologists of the time to best gauge fluctuations in the volume and rate of crime. Arson was added in 1979.
- While the Crime Index provides information helpful to gauge fluctuations in the volume and rate of reported crime, it does not reflect total criminal activity. **Part II crimes** are not included, and may constitute a greater proportion of the workload for law enforcement. These are simple assault, forgery and counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution and commercialized vice, all other sex offenses, drug abuse violations, gambling, offenses against the family or children, DUI, liquor laws, disorderly conduct, vagrancy, all other offenses, curfew and loitering laws, runaways.
- Because the UCR Crime Index does not include all crime types, it does not fully inform persons as to actual criminal activity occurring in specific areas. While this is an accepted limitation for use of the data, experts state that the UCR remains the most effective and consistently used barometer of crime across the country.
- To acquire information that accounts for fluctuations in the general population, Crime Index data is often shown as a rate, the prevalence of reported crime per 100,000 inhabitants.
- Within Arizona, UCR data is provided by 97 of the 103 law enforcement agencies, through the Department of Public Safety who then reports statistics to the FBI.

Clearance rates: “an offense is considered cleared [in essence, solved] when at least one offender is arrested for a crime, even though several may have been involved.” (Qtd from Crime in Arizona 2002, DPS)

Delinquency: an illegal offense that if committed by an adult would be prosecuted as a crime.

Juvenile Referrals and Petitions: A *complaint* (or referral) is a written statement or report from the police, alleging that a juvenile has violated the law. Referrals may also be made by others, asking that the court take jurisdiction over the youth’s conduct. The County Attorney then reviews the complaint and decides whether to file a *petition* with the court, at which time it becomes a case. There may be many complaints, with only a portion of those subsequently filed as a petition. National data on juvenile activity lags behind local and state statistics. The most recent national data available is for 1999 (from OJJDP and NCJJ).

Incorrigibility: juvenile offenses where the activity is not a crime yet may be referred for court action because the individual conducting the act is underage (such as truancy, skipping school, running away from home).

Property crime: burglary, motor vehicle theft, property theft, larceny-theft.

Violent crime: homicide, rape, sexual assault, robbery, aggravated assault, simple assault.

Sources

Inside front cover - “A typical workday for the Maricopa County justice system means* . . .”: These figures portray the relative frequency of activities and do not imply regularity in the numbers by day. Workday calculations are for 365 days if services are provided 24/7, and 250 days if provided during normal business hours. The proportion of agency budgets devoted to criminal justice and proportion with operations round-the-clock were estimated by agency staff.

Page 11: The displays of “U.S. Crime Cycle” and “Arizona Crime Cycle” shows the number of Crime Index offenses reported to law enforcement agencies. This attempts to communicate the annual reported crime experience by portraying relative frequency of occurrence of the offense. This does not imply regularity in the offenses, rather shows the annual ration of crime to fixed time intervals. Sources are Crime in the United States – 2002 Uniform Crime Reports, Federal Bureau of Investigation, U.S. Department of Justice; and Crime in Arizona 2002, Arizona Department of Public Safety.

Pages 20, 35, 54: “Putting Therapeutic Jurisprudence to Work” from ABA Journal, May 2003

Page 49: Ostrom, Brian, and Neal Kauder, eds. Examining the Work of State Courts, 1996: A National Perspective from the Court Statistics Project. Williamsburg, Va.: National Center for State Courts, 1997. p 37

Page 46. Polly Klass was kidnapped from her home and murdered in October 1996, in Petaluma California. Citation for the quote is: Healy, Melissa. “Marc Klaas Joins Coalition Seeking to Prevent Crime.” Los Angeles Times 27 July 1996, sec. A: 18

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B. Ostrom, N. Kauder, and R. LaFountain. Examining the Work of State Courts: A National Perspective from the Court Statistics Project, published in 1997, 2002, 2003, National Center for State Courts

Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Various statistics published on their website <http://www.ojp.usdoj.gov/bjs>.

Correctional Populations in the United States, Bureau of Justice Statistics, Office of Justice Programs, U.S. Dept. of Justice

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Crime and the Criminal Justice System in Arizona: The 2003 White Paper, Arizona Criminal Justice Commission, Statistical Analysis Center Publication, October 2003

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Critical Issues and Monthly Performance Measurement, September 2003, Arizona Department of Corrections

Fact Sheets, Trend Reports, “Who is in Prison?” reports, Arizona Department of Corrections, www.adcprisoninfo.az.gov/

“Justice Expenditure and Employment in the United States, 1999” Bureau of Justice Statistics Bulletin, Office of Justice Programs, U.S. Department of Justice (February 2002)

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New Commitment Profile Fiscal Year 2003, Arizona Department of Juvenile Corrections

<http://adjc.az.gov/public/Support/Research&Develop/Publications/PdfFormat/NCPFY2003.pdf>

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Uniform Crime Report 2002, released by Federal Bureau of Investigation, U.S. Department of Justice. Preliminary, June 16, 2003; Final in press release October 27, 2003

Directory of Maricopa County Justice Agencies

Information related to justice and other Maricopa County agencies may be accessed through www.maricopa.gov. This Internet site provides information on hundreds of county services. The “Courts/Legal Matters” section provides links to various Maricopa County justice services including adoptions, victim services, court calendars, case histories, jury duty information, filing fees, layers and mediators, marriage licenses, passports, small claims, and legal forms. Direct access to the Superior Court docket is used extensively, with 139,000 hits monthly (in December 2003).

The “Public Safety” section links citizens to law enforcement-related information on such things as reporting a crime, bad check enforcement, block watch, child abuse, child support, crime statistics, domestic violence and drug prevention, fingerprinting, gang and hate crimes programs, hazardous materials and illegal dumping reporting, warrants, and victim services.

To access any county agency or personnel via telephone, you may call the switchboard at 602/506-3011.

Adult Probation Department

Barbara Broderick, 602/506-3262
Chief Probation Officer
West Court Building
111 South Third Avenue, 3rd Floor
Phoenix, Arizona 85003-2204
www.superiorcourt.maricopa.gov/adultPro
Department Information 602/506-7249

Clerk of the Superior Court

Michael K. Jeanes, 602/506-3676
Clerk of the Superior Court
201 West Jefferson, 2nd Floor
Phoenix, Arizona 85003
www.maricopa.gov/clkcourt
Department Information 602/506-7777
Durango Facility 602/506-3360
Family Support 602/506-3762
Financial Services 602/506-8571
Juvenile – Durango 602/506-4494
Juvenile – Southeast 602/506-4494
Old Courthouse 602/506-7400

Correctional Health Services

Dr. Joseph Scalzo, Director
General Information 602/506-2906
www.maricopa.gov/corr_health

County Attorney’s Office

Richard M Romley, 602/506-3411
Maricopa County Attorney
County Administration Building
301 West Jefferson, 8th Floor
Phoenix, Arizona 85003
www.maricopacountyattorney.org
Department Information 602/506-3411
Administrative Division 602/506-5508
County Counsel Division 602/506-8541
Criminal Trial Division 602/506-1145
Graffiti Hot Line 602/506-7327
Hate Crimes Hot Line 602/506-5000
Slum Lord Hot Line 602/506-SLUM
Investigations Division 602/506-3844
Juvenile - Eastside 480/962-8002
Juvenile - Westside 602/455-3877
Law Enforcement Liaison 602/506-3411
Major Crimes Division 602/506-5840
Pretrial Division 602/372-7250
Southeast Regional Center 602/506-2600
Speakers Bureau 602/506-3411
Victim Services Division 602/506-8522

ICJIS-Integrated Criminal Justice Information Systems

Don Thomas, Director
General Information 602/506-7906

Indigent Representation**Public Defender**

Jim Haas, Public Defender 602/506-8200
 11 West Jefferson
 Phoenix, Arizona 85003
www.pubdef.maricopa.gov

General Information 602/506-7955
 Appeals 602/506-8220
 Juvenile – Durango 602/506-4230
 Juvenile – Southeast 602/506-2033
 Mental Health 602/344-5856
 Trial Groups – Downtown 602/506-7711
 Trial Groups - Mesa 602/506-2200

Legal Defender

Robert Briney, Legal Defender
 General Information 602/506-8800

Legal Advocate

Susan Sherwin, Legal Advocate
 Adult Criminal 602/506-4111
 Juvenile Dependency 602/506-5379

Office of Contract Counsel

Mark Kennedy, Director
 General Information 602/506-7228

Justice Courts

Jerry Porter, Associate Presiding Judge
 Limited Jurisdiction Courts 602/506-7106
 Brian Karth,
 Ltd. Juris. Court Administrator 602/506-7041
 Debra Hall,
 Deputy Ltd. Juris. Court Admin. 602/506-2376.
www.justicecourts.maricopa.gov
www.maricopa.gov/constable
 Justice Courts Administration 602/506-1337
 Information on particular Justice Courts, including court locations and names of the 23 elected Justices of the Peace and Constables, may be obtained on the above noted websites or by calling Administration.

Juvenile Probation and Detention

Cheryl Townsend, 602/506-2638
 Chief Juvenile Probation Officer
 3125 West Durango
 Phoenix, Arizona 85009 or
 1810 South Lewis
 Mesa, Arizona 85210
www.superiorcourt.maricopa.gov/juvenileprob
 General Information 602/506-4011
 Court Information - Durango 602/506-4401
 Court Information - Southeast 602/506-2544
 Detention Information - Durango 602/506-4280
 Detention Information - Southeast 602/506-2676

Medical Examiner

Dr. Philip Keen, Director
 General Information 602/506-3322

Sheriff's Office

Joseph M. Arpaio, Sheriff 602/506-1801
 Wells Fargo Building
 100 West Washington – 19th Floor
 Phoenix, Arizona 85003
www.mcso.org
 General Information 602/256-1000
 Administration Bureau 602/256-1300 x4400
 Custody Operations Bureau 602/256-1894
 Custody Programs Bureau 602/256-1815
 New Jail Construction 602/256-1074
 Custody Support Bureau 602/256-1816
 Criminal Investigations Bureau 602/256-5494
 Patrol Bureau 602/256-1822
 Special Operations Bureau 602/256-1822

Superior Court

Colin F. Campbell, 602/506-3837
 Presiding Judge
 Central Court Building
 201 West Jefferson, 4th Floor
 Phoenix, Arizona 85003
www.superiorcourt.maricopa.gov
 General Information 602/506-3204
 Civil Court 602/506-1497
 Conciliation Services 602/506-3296
 Criminal Court 602/506-8575
 Domestic Violence Prevention Cntr 602/506-5553
 Family Court 602/506-1561
 Jury Commission/Assembly 602/506-JURY
 Juvenile Court 602/506-4533
 Law Library 602/506-3461
 Mental Health Court 602/506-3354
 Pretrial Services (now in APD) 602/506-8500
 Probate Court 602/506-3668
 Self-Service Center 602/506-SELF
www.superiorcourt.maricopa.gov/ssc/info/gen_info.asp
 Southeast Court (Mesa) 602/506-2020
 Tax Court 602/506-3009

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 Supervisor Don Stapley, District 2 602/506-7431
 Supervisor Andy Kunasek, District 3 602/506-7562
 Supervisor Max Wilson, District 4 602/506-7642
 Supervisor Mary Rose Wilcox, District 5 602/506-7092

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 County Administrative Officer
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 Deputy County Administrator
 Joy Rich, 602/506-0129
 Chief Development Services Officer
 Tom Manos, 602/506-7257
 Chief Financial Officer
 Dr. Jonathan Weisbuch, 602/506-6609
 Chief Public Health Officer
 William C. Scalzo, 602/506-2930
 Chief Community Services Officer



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